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NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

THESIS

DISASTER RESPONSE: IMPROVING EFFECTIVENESS

by

Matt Benivegna

December 2007

Thesis Advisor:

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DISASTER RESPONSE: IMPROVING EFFECTIVENESS

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Submitted in partial fulfillment of the
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**MASTER OF ARTS IN SECURITY STUDIES
(HOMELAND SECURITY AND DEFENSE)**

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ABSTRACT

This thesis reviews disaster recovery situations in an effort to identify political and bureaucratic impediments affecting responders, defined here as the managers of the overall response effort. The thesis focuses on improvements in organization, management and speed of response. It discusses local, state, and federal responsibilities in a crisis, as well as the limitations and constraints on disaster recovery efforts, with specific attention to the interaction of local, state, and federal responders. Analysis of response timing, promptness and adequacy is conducted through comparison and case study of three disasters in the United States in which local and state authorities were overwhelmed and required federal assistance. Cases presented are the Los Angeles riots of 1992 (the so-called "Rodney King riots"), the Northridge Earthquake in 1994, and Hurricane Katrina in 2005. Response efforts are examined for a better understanding of problems that emerged in local, state, and federal cooperation. The thesis pays particular attention to the federal responder and the U.S. Military. Understanding legal, political, and bureaucratic impediments provides guidance on responders' limitations, constraints and opportunities and may facilitate efforts by federal responders to explore alternative methods for supporting local and state authorities.

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I. INTRODUCTION

A. PURPOSE

The purpose of this thesis is to review disaster recovery situations in an effort to identify political and bureaucratic impediments affecting responders, defined here as the managers of the overall response effort. The thesis focuses on the organization, management, and speed of response. It discusses local, state, and federal responsibilities in a crisis, as well as the limitations and constraints on disaster recovery efforts, with specific attention to the interaction of local, state, and federal responders. Analysis of response timing, promptness and adequacy is conducted through comparison of three disasters in the United States.

The overall research question is: What political and bureaucratic impediments affect the effectiveness and timeliness of response to natural or man-made disasters? This question focuses on civilian-military relations and details regarding local and state officials interacting with the federal government. In answering this question, a variety of related questions are explored, including: Can disaster recovery be improved in organization, management, and response time? What can be done to improve responder success? In particular, what are the barriers to the integration of local, state, and federal responders, and how can these barriers be overcome? What support should the federal government provide and when? What are local and state responsibilities and federal limitations or constraints?

B. IMPORTANCE

This thesis identifies areas for improvement in disaster response and limits on efficiency resulting from politics and bureaucratic impediments. The thesis pays particular attention to federal responders. Understanding legal, political, and bureaucratic impediments provides guidance on responders' opportunities and may facilitate efforts by federal responders to explore alternative methods for supporting local and state authorities. Lastly, responders on all levels will better understand the hurdles of combined local, state, and federal disaster recovery efforts and may accommodate these constraints to serve those in need of recovery support.

C. METHODOLOGY AND SOURCES

The methodology of this research is the case study method of three disasters in which local and state authorities were overwhelmed and required federal assistance. The cases analyzed are the Los Angeles riots of 1992 (the so-called "Rodney King riots"), the Northridge Earthquake in 1994, and Hurricane Katrina in 2005. Response efforts are examined for a better understanding of problems that emerged in local, state, and federal cooperation.

Numerous scholarly works in disaster recovery and response discuss local, state, and federal efforts and the regulations that govern these efforts will be used throughout this thesis. In addition, many after action reports have been produced in the wake of disaster. Congressional testimony and reports are used to supplement these primary source documents. Use of secondary sources is kept to a minimum as there are ample primary source documents and lessons learned repositories.

D. ORGANIZATION OF THE THESIS

The thesis consists of five chapters. Chapter I includes a review of the relevant literature. Chapters II, III and IV present the case studies of the Los Angeles riots, the Northridge Earthquake and Hurricane Katrina. Each of these chapters begins with a brief summary of the events leading to the disasters and the response efforts by local, state and federal authorities, followed by a presentation of the circumstances encountered by responders that highlights problems during the disaster response. The final chapter presents conclusions and recommendations based on analysis of the case studies.

E. LITERATURE REVIEW

The 1992 Los Angeles riots, the Northridge earthquake, and Hurricane Katrina and all saw escalated response requirements, from the local through the state to the federal level. Escalation started with local governmental response. When the local authorities became overwhelmed with response requirements, state authorities implemented response actions to assist in the reduction of property destruction and to preserve life. State authorities were then overwhelmed with response efforts and required federal support.

Much debate exists regarding the effectiveness and timeliness of federal support to these disasters. The debate focuses on the civilian (or local and state officials) and the federal government (which can include FEMA, or the military) relationships and the extent to which integration of responders was successful. Some contend that the federal government does not do enough to prepare for and mitigate disasters. Others contend that local and state authorities are to blame for inadequate disaster response. This analysis of three disasters requiring federal support focuses on the impediments of the civilian-military relationships and underlying political and bureaucratic influences.

1. Constitutional Authority

The constitutional structure, particularly the tenth amendment which provides “the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people,” generally limits or prohibits the federal government from asserting a centralized role in coordinating and directing disaster response.¹ Problems arise because of non-subordinate hierarchies of authority within the states and federal government. States retain autonomy from the Constitution, such as the power to enforce state laws using the National Guard if necessary, or to act as first responders, on-scene incident, or disaster recovery commander (authority seeded in the Constitution Amendments, Article II of the Bill of Rights). State autonomy, as a “durable feature of our governmental system,” eliminates the ability of federal responders such as the Federal Emergency Management Agency (FEMA) or the Department of Defense (DoD) to step into a command or directional role.² Only the President, as Commander in Chief, can authorize or direct the employment of active duty military in a domestic situation, based on authority provided in the fourth amendment and the Insurrection Act.³ The act provides the President the authority to deploy military troops within the United States to eliminate lawlessness,

¹ Herman B. Leonard. “Katrina as Prelude: Preparing for and Responding to Future Katrina-Class Disturbances in the United States.” Testimony before the U.S. Senate Homeland Security and Governmental Affairs Committee. Harvard University. 8 March 2006. 5.

² Leonard. 5.

³ Jeffrey D. Brake. “Terrorism and the Military’s Role in Domestic Crisis Management: Background and Issues for Congress.” *CRS Report for Congress*. RL30938. 27 January 2003. 16.

rebellions, or insurrections, yet limits the President's overall authority based on the assumption states and local authorities will remain the first responders regarding lawlessness within the U.S.

2. Control

An option regarding control involves Congressional control over the Department of Homeland Security (DHS). A cabinet-level department permits Congressional oversight on budgetary, personnel and mission issues. The President retains some control with the ability to recommend nominees for the Homeland Security Secretary to Congress. However, in recent years, it has been argued that FEMA has problems simply because it has completely focused on terrorist concerns and is led by inexperienced political appointees and staffed with inexperienced civil servants.⁴

Congressional power over the departments potentially provides funding constraints. Will Congress provide the departments enough money to carry out their missions? Amid budgetary constraints, members of Congress have stated the Secretary of Homeland Security could reduce funding to other areas within his department, such as FEMA, and focus more on preventing or responding to a terrorist attack.⁵ Congress is quick to point out departmental inefficiencies and problems but does not point out who controls the purse strings. Budget planning and guidelines initiate with the President; Congress and the President conduct negotiations, and ultimately Congress approves a budget. Congressional oversight committees have direct access to departmental operations and should be held just as accountable as the departments. Finally, arguments have been made stating funds distributed in support of disaster preparedness have been partially distributed based on political preference rather than need, requirements, or potential for disaster.⁶

4 Charles Perrow. "The Disaster After 9/11: The Department of Homeland Security and the Intelligence Reorganization." *Homeland Security Affairs*. Vol II, No. 1. April 2006. 16.

5 Perrow. 15.

6 Perrow. 18.

3. Financing

The Homeland Security Act of 2002 directs the Secretary of DHS to ensure that local, state and federal responders are prepared to respond to all disasters.⁷ However, in a disaster that overwhelms local and state responders and required military assistance, there is no provision to fund the military to ensure preparedness to respond. Funds are allocated to the military to prepare for the defense of the nation.

Elected officials assert that providing financial resources to responders will fix perceived problems. This assertion is founded in public perception that progress must be underway if funds are allocated and spent. However, opponents to unregulated spending argue that building effective response capabilities takes time and serious effort which is not remedied by simply spending money. “National emergency response is a strategic problem, and thought should always precede action...spending money without an overarching system architecture or comprehensive acquisition program will be both wasteful and counterproductive.”⁸

The allocation of federal funding supplied to state and local officials plays a significant role in that state’s or local community’s preparedness. Additionally, the perception of preparedness and adequacy of funding provided may not always coincide with actual steps taken toward improvement. In a survey of 183 cities from 38 states, only 20 percent said they had received sufficient federal resources to achieve communications interoperability, a vital resource for effective and efficient disaster recoveries.⁹

Elected officials may influence the allocation of funds. Congressional oversight committees oversee FEMA allocations. There is the potential for states represented on these committees to receive a disproportionate amount of disaster relief funding.¹⁰

⁷ Ben Canada. “Department of Homeland Security: State and Local Preparedness Issues.” *CRS Report for Congress*. RL31490. 11 December 2002. 7.

⁸ James Jay Carafano. “Preparing Responders to Respond: The Challenges to Emergency Preparedness in the 21st Century.” *Heritage Lectures; The Heritage Foundation* No. 812. 20 November 2003. 7.

⁹ Michael A. Guido. “Five Years Post 9/11, One Year Post Katrina: The State of America’s Readiness.” *The US Conference of Mayors Homeland Security Monitoring Center*. 26 July 2006. 1.

¹⁰ Thomas A Garrett and Russell S. Sobel. “The political Economy of FEMA Disaster Payments.” *The Federal Bank of St. Louis. Working Paper 2002-012B*. <http://research.stlouisfed.org/wp2002/2002-012.pdf>. Last accessed 20 February 2007. 5.

Thomas Garrett's report "The Political Economy of FEMA Disaster Payments" argues states with legislators on a Stafford Act oversight subcommittee received an additional \$26 million in FEMA disaster relief expenditures for each legislator on a subcommittee.¹¹ It is important to note the DHS Secretary is responsible for administration and oversight of grant programs for state and local first responders.¹² However, during a disaster, political influence may impact disaster response with the initial question of whether there will be a declaration of disaster, and with the question of how much money will be allocated.¹³

4. Preparedness

Keith Bea's "FEMA Reorganization Legislation in the 109th Congress" report to Congress identifies problems with coordination of emergency response. Among the oft-cited problems: federal agencies, including DHS, are unfamiliar with their roles and responsibilities under the National Response Plan; the DoD and DHS coordination is not effective; DoD and FEMA difficulties with coordinating slows response; Northern Command does not have adequate insight into state response capabilities or adequate interface with governors; and uncertainty about mission assignments and government red-tape delay medical care.¹⁴ Leadership failures, lack of initiative, coordination problems and existing integration failures have significantly reduced efforts to provide essential assistance. Vagueness and broad summarizations in these reports permit interpretation regarding who or what is at fault. As a result, recommendations in these reports provide little substance for improvement. Some of these statements and recommendations include: "Coordination should be improved ... Increased levels of commitment to and by state and local governments are necessary."¹⁵ While highlighting inadequacies, this provides lawmakers or emergency managers no concrete guidance to

11 Garrett. 20.

12 Canada. 1.

13 Garrett. 2.

14 Keith Bea. "FEMA Reorganization Legislation in the 109th Congress." *CRS Report for Congress* 12 July 2006. 3.

15 Bea. "FEMA." 6.

facilitate future improvements in procedure or allocation of funds. On the other hand, identification of problems is a start and allows lawmakers and responders alike to determine the best methodology for employment and improvement.

Issues addressed by the 110th Congress follow the same footprint placed by the 109th Congress: Legislation has been introduced to improve emergency communications interoperability, improve intelligence gathering, and even to reestablish FEMA as an independent organization. Additionally, the Post Katrina Emergency Management Reform Act includes improvements in the National Preparedness System and improvements to FEMA.¹⁶

In a crisis, public officials and their constituents often question why the government cannot help people in trouble while charities and nongovernmental agencies, even movie stars, can get financial aid and other supplies where they are needed.¹⁷ Combine this sentiment with global, real-time 24 hour-a-day press coverage, and the finger pointing begins regarding competency. Politicians, usually not trained in disaster response, take time to congratulate each other on a response effort while suffering continues.¹⁸ An example of this is President Bush's thanking of then FEMA director Michael D. Brown: "Again, I want to thank you all for -- and, Brownie, you're doing a heck of a job. The FEMA Director is working 24...they're working 24 hours a day."¹⁹ David McEntire highlights the problem, noting that

The anger and disappointment that many Americans felt about the response to Hurricane Katrina encouraged politicians to place blame. Local and state politicians argued that the federal government did not respond quickly enough. National politicians asserted that the state and local governments were not prepared to deal with such an obvious risk.²⁰

16 "Implementation of the Post-Katrina Emergency Management Reform Act and Other Organizational Changes." http://www.dhs.gov/xabout/structure/gc_1169243598416.shtm. Last accessed 28 November 2007.

17 Shawn Adams. "Learning the Lessons of Katrina for the Unexpected Tomorrow." *Risk Management*. Volume 53. No. 12. December 2005. 24.

18 Adams. 24.

19 President Arrives in Alabama, Briefed on Hurricane Katrina. White House News Release. <http://www.whitehouse.gov/news/releases/2005/09/20050902-2.html>. Last accessed 9 November 2007.

20 David A. McEntire. Disaster Response and Recovery: Strategies and Tactics for Resilience. Hoboken NJ: Wiley, 2007. 283.

During disasters, some elected officials point to inadequate government response as a primary factor leaving thousands stranded or in need.²¹ However, it should be pointed out these same elected officials do not provide a definition of “The Government,” which should include their elected positions. Spennemann contends:

The effects of natural disasters transcend the boundaries of responsibilities of any federal government agency. Too often in the past, the various agencies were in disagreement on how to proceed and the resulting tension often lingered well after the disaster and its aftermath have been overcome. Clearly cooperation is needed.²²

5. Strategy and Politics

Richard Falkenrath states that successful integration of local, state, and federal responders requires a comprehensive national strategy linking national policy with the numerous agencies involved in domestic consequence management.²³ As Falkenrath writes, “The single most important reason why incident management is important is that lives hang in the balance. Effective management is also critical to maintaining the public’s confidence in the government during crisis or times of stress.”²⁴ However, institutions by nature are slow and reluctant to change. Add the fact the U.S. has historically prepared for future events by benchmarking events of the past, and one wonders how any positive change is made to disaster response at all.

Former FEMA Director James Lee Witt says, “Disasters are very political events.” A federal disaster declaration can be affected by political influences. The process involves the governor of a state contacting the President to request the declaration of a disaster. States with political significance (electoral vote-rich states) have the potential to receive declarations easier than less politically significant states with greater actual needs.²⁵ Furthermore, state governors are the link between the President

21 Adams. 25.

22 Dirk H. R. Spennemann. and David W. Look, “Managing Disasters and Managing Disaster Responses: An Introduction.” *Disaster Management Programs for Historic Sites*. 1998. 2.

23 Brake. “Terrorism.” 19.

24 Richard Falkenrath. “Homeland Security and Consequence Management.” *The Challenge of Proliferation*. The Brookings Institution. 131.

25 Garrett. 8.

and the state's constituency, so personal relationships or political affiliations may affect the declaration of disasters, especially during election years. Opponents of this concern say the sheer magnitude of a disaster keeps the potential for political influence in check.²⁶

Timing affects attention paid to disasters, particularly by politicians. During and immediately following a disaster, considerable attention is devoted to the situation. Between disasters attention is naturally focused elsewhere. Figure 1, from Peter May's *Recovering from Catastrophes*, summarizes how timing and attention vary.

Two Political Worlds of Disaster Relief Policy		
Distinguishing Features	Aftermath of Catastrophes	Between Catastrophes
Political locus	Center stage	Periphery
Salience of relief issues	High	Low
Legislative roles and influence	Special legislation commonly introduced for large disasters	More general legislation shaped by congressional "disaster specialists"
Federal disaster agency role and influence	Actions in aftermath of disasters define content of policy	Promulgate administrative regulations in response to past abuse policy and encourage mitigation
Intergovernmental relationships	Central aspects of relief effort involving episodic ties to state and local politicians	Relegated to ongoing ties between disaster agencies at various levels of government
Resultant policies	Responsive to disaster at hand and thus skewed toward catastrophic events	More generalized policy that is less affected by catastrophic disasters

Figure 1. Two Political Worlds of Disaster Relief Policy.²⁷

State governors often develop interstate agreements of support prior to and during disasters, but may become bogged down with the bureaucracy of interstate politics and fail to act promptly to invoke this much-needed assistance.²⁸ During disaster response,

²⁶ Garrett. 10.

²⁷ Peter J. May. *Recovering from Catastrophes. Federal Disaster Relief Policy and Politics*. Greenwood Press Westport, Connecticut. 2002. 8.

²⁸ Adams. 26.

issues as important as life safety sometimes give way to more divisive political issues, such where to house the displaced, or which areas should be first to receive aid. Disasters are “intensely political, and ... the political issues soon dwarf the technical issues.”²⁹

The military is frequently ready to respond before receiving a warning order to deploy. However, proactive response can be delayed or even not permitted by political red tape. Military leaders offer military assets and receive a noncommittal response, or a response that highlights political boundaries of control that do not permit agencies on the ground to authorize support.³⁰

Political responses to a disaster frequently portray what is happening and help people understand what is required to sustain a response by properly using media outlets to provide vital information to local inhabitants. Yet there are instances where elected officials focus on what should be done rather than what is being done as a matter making political statements of criticism. Like unity of effort in disaster recovery, political unity is an extremely important factor in a disaster response.³¹ Individuals affected by a disaster need comforting and reassurance that everything is being done to help the disaster stricken area; criticism of actions underway, or statements pointing out inadequacies during a response do not provide this comfort.

Congress has responded to debate over how it should balance state sovereignty with authorization of prompt federal response with several recent proposals. The Senate, as a result of 22 hearings between 14 September 2005 and 21 April 2006, proposed the creation of a new comprehensive emergency management organization, subordinate to DHS, to prepare for and respond to all disasters or catastrophes, establish regional strike teams and enhance regional operations to provide better coordination between federal and state agencies.³² The House of Representatives proposed an addition to the Stafford Act to establish an emergency preparedness system to improve federal and non-federal capabilities.³³ The proposal was never passed, however and has been revisited by the

29 Leonard. 10.

30 Adams. 27.

31 Leonard. 9.

32 Bea. “FEMA.” 5.

33 Bea. “FEMA.” 10.

110th Congress for possible modification and reintroduction. To date, only the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 have been passed which affords an additional \$6 billion for hurricane relief.³⁴

6. Civilian-Military Relationship

Civilian control of the U.S. military was founded on four fundamentals: The rule of law, the small size of American original regular forces (today's federal military), the reliance on citizen soldiers, and internalized military subordination to civil authority by the armed forces.³⁵ Civilian control means the decisions controlling the military are made by officials elected or outside the professional armed forces. However, one might argue there is mutual distrust between the civilians who control the military and the military that supports civilians in control.

Civilian leaders can organize the military in any manner they choose. Military and civilian leaders frequently disagree on the organization of the military, exemplified in disagreements about organizing against a threat of foreign origin. The military has the potential to evade civilian authority in several ways: by stating alternatives in a manner favorable to the military, by providing piecemeal advice that predicts nasty consequences if certain recommendations are not followed, or by leaking information to the press to persuade the public and politicians.³⁶ As Kohn notes, "Bureaucratic maneuvering, and alliances with partisans in Congress and...the military, have become a way of life, in which services and groups employ their knowledge, contacts, and positions to promote personal or institutional agendas."³⁷

The relationship between the military and civilian leaders is complex. An important element in democratic civil-military relations is the perception of defense efficiency; where efficiency is based on the accomplishments of civilian-set goals for the

³⁴ "U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007." <http://www.govtrack.us/congress/bill.xpd?bill=h110-2206>. Last accessed 28 November 2007.

³⁵ Richard H. Kohn. "The Erosion of Civilian Control of the Military in the United States Today." *Naval War College Review*, Vol. LV, No. 3. Summer 2002. 11.

³⁶ Kohn. "The Erosion." 6.

³⁷ Kohn. "The Erosion." 7.

military. To determine efficiency of operations, civilian and military leaders must agree on the military “roles and missions.”³⁸ While the military is an excellent resource to support disaster response and recovery, civil authorities should not count on a military response because of the military's numerous other mission requirements.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act provides the President the authority to declare major disasters and authorize federal agencies to provide assistance to local or state authorities that have become overwhelmed by disasters.³⁹ The President, usually at the request of the overwhelmed state governor, can direct the DoD to carry out emergency work essential to preserve life or property for ten days. There is no explicit authorization for long-term recovery assistance. There is controversy over the act with regards to the pre-declaration activities, which appear to pre-empt some of the President’s authority. The Secretary of the Department of Homeland Security may “pre-declare,” placing responders on alert in a situation that may threaten human health and safety prior to declaration of disaster.⁴⁰ However, this decision may be delayed, or impeded when the Secretary considers funding requirements in the event a response is not required, and the consequences of what is deemed unnecessary pre-mobilization. There are no provisions for the Secretary to mobilize the military as a pre-emptive declaration.

The Stafford Act is vague to provide flexibility in response, with no hierarchical criteria to facilitate the declaration or pre-declaration of a disaster. Controversy exists about the quality or quantity of information provided to the President prior to declaration decisions and the timeliness of anticipation of pre-declaration activities.⁴¹ Disaster declaration is the responsibility of the President, and there is no concrete set of criteria that directs the President in this declaration. Since there is no congressional oversight of disaster declarations, politics might influence the process.⁴² The Act was written to be

38 Thomas C. Bruneau, and Harold A. Trinkunas. Global Trends and Their Impact on Civil-Military Relations. Draft Format. July 2007. 9.

39 Keith Bea. “Federal Stafford Act Disaster Assistance: Presidential Declarations, Eligible Activities, and Funding.” *CRS Report for Congress*. RL3305. 29 August 2005. 1.

40 Bea. “Federal Stafford Act.” 2.

41 Bea. “FEMA.” 2.

42 Garrett. 4.

vague, and provides little accountability. Simply put, if the President is the single authority that can declare disasters, then a disaster occurs whenever the President says it has.⁴³

The Posse Comitatus Act (18 U.S.C. Section 1385) prohibits military involvement in domestic activities including arrests, law enforcement, and search and seizures of evidence unless specifically authorized under the Constitution or an act of Congress.⁴⁴ The Act does not completely rule out military support. When requested, the military can provide “passive” logistical support, technical advice, facilities, training, and other forms of support to law enforcement agencies, or otherwise, even if this assistance supports forms of domestic law enforcement.⁴⁵ However, the military remains in a support role in crisis response, even if the President invokes the Insurrection Statutes, which allow the President to deploy the U.S. military within the United States to maintain law and order, or prevent an insurrection or rebellion.

There is considerable debate regarding the continuing effectiveness of the Posse Comitatus Act. One point of view is the fact the Act should remain in place with no modifications. The opposite point of view argues the Act should be revoked, or that severe modifications are required. The Act has not prohibited the military from providing indirect assistance such as logistical support or technical advice. Additionally, the President has constitutional and statutory authority to maintain public order, including the authority to use federal troops to halt domestic unrest. After receiving a proper request from a governor, the President may issue a proclamation that public order has broken down and the intractable individuals must disperse, and he may command the Secretary of Defense to restore public order.⁴⁶ The application of the act has been misunderstood at times, and local police, state National Guard and federal active military forces have

⁴³ Garrett. 4.

⁴⁴ Brake. 12.

⁴⁵ Brake. 12.

⁴⁶ Thomas R. Lujan. “Legal Aspects of Domestic Employment of the Army.” *Parameters. U.S. Army War College Quarterly*. Autumn 1997. 5.

been incorrectly or underutilized. And there have been instances in which “neither the military commander, city police chief, nor the country sheriff had a clear perception of the proper role of military forces in an emergency.”⁴⁷

7. The Role of the Military

“Where is the cavalry?” This question is often asked after a disaster, referring to the military and other public sector agencies.⁴⁸ DoD Directive 3025.15 Military Assistance to Civil Authorities provides fundamental policy and guidelines for the military when supporting civilian authorities. When DoD evaluates requests for assistance it considers the following criteria before providing assistance: legitimacy (or legality), lethality, risk, cost, appropriateness, and readiness.⁴⁹ Military forces that respond to disasters are designed very differently from local, state, or other federal responders.⁵⁰ Under this directive, the DoD may be requested to provide the FBI or other agencies with technical support, interdiction capabilities, law and order restoration or consequence management.⁵¹ However, it is important to note that the military assists civil authorities in a supportive role and is not the lead agency.

8. Response Leadership: Who is in Charge?

The development of the National Response Plan by members of the department of homeland security significantly improved overall planning efforts. However, critics contend that potential exists for ambiguity regarding leadership during a disaster if the federal government responds. According to the plan, incidents are handled at the lowest jurisdiction. The plan outlines procedures for unity of command, but not assumption or declaration of command, leaving officials wondering who is in charge.⁵² Additionally, elected officials at all levels may feel the need to become involved. This need for involvement primarily stems from a genuine concern to life and property in the affected

⁴⁷ Lujan. 6.

⁴⁸ McEntire. 34.

⁴⁹ Brake. 11.

⁵⁰ Brake. 1.

⁵¹ Brake. 11.

⁵² Quick Reference Guide for the National Response Plan. U.S. Department of Homeland Security. Version 4.0. 22 May 2006. 5.

area. Yet this same involvement often results in the provision of directions to responders by concerned elected officials who have little or no technical background, further complicating the question of who is in charge.⁵³

Lack of unified leadership and a single focal point often results in extreme inefficiencies in multiple agency notification, mobilization, information management and logistical support. James Carafano further exemplifies this point: “Emergency response operations are also frequently plagued by a lack of information sharing and confusion over responsibilities among policy makers and emergency managers.”⁵⁴ Furthermore, political statements have been made that local or state authorities should be and remain in charge because of their greater knowledge of local conditions, priorities, circumstances, rules and laws.⁵⁵ While there is validity to local knowledge, these statements made no reference to qualifications of local leaders. Disaster responses are an opportunity for finger pointing within all levels of elected officials, disaster responders, and the press. However, this finger pointing can usually be traced back to a lack of preparation: “Past research on the emergency response period has demonstrated time and time again that the major problems between governmental jurisdictions during this period result from a lack of coordination and communication, often resulting from a lack of prior planning.”⁵⁶

Unity in coordinating interagency efforts of planning and disaster response is extremely difficult. One author contends this interagency coordination does not occur at all, stating, “It has been extremely difficult to achieve coordinated interdepartmental planning for two reasons: other agencies of the U.S. government do not understand (systematic planning procedures) and each agency has its own approach to solving

⁵³ Leonard. 12.

⁵⁴ Carafano. (Preparing Responders). 5.

⁵⁵ Leonard. 4.

⁵⁶ Joanne M. Nigg. “Emergency Response Following the 1994 Northridge Earthquake: Intergovernmental Coordination Issues.” University of Delaware Disaster Research Center Preliminary Paper #250, 1997. 6.

problems.”⁵⁷ Whereas the military may look to procedural or technological solutions, civilians may be more inclined to adopt ideas drawn from successful corporations or conclusions of management studies.⁵⁸

9. Supplemental Acts and Directives

Three additional acts and directives are relevant to the topics discussed in this thesis: The Presidential Decision Directive 39 (PDD 39) of June 1995 provides the building blocks for domestic policy on terrorism. It is focused on threat reduction, deterrence and response. The Directive divides the roles of the FBI into crisis management and FEMA into consequence management and also allows the DoD to maintain plans and equipment in the event a response is required.

The Homeland Security Act of 2002 establishes the Department of Homeland Security by consolidating number of agencies, each with their own plans and hierarchy that had to be subordinated to the newly established DHS. It has been noted that simply having a plan on the shelf does nothing unless the plan is tried through simulations, exercises, or implementation in a crisis.⁵⁹ Realizing the potential for problems with numerous plans at various levels of government, DHS established the office for State and Local Government Coordination to coordinate among levels of government, assess and advocate for resources, disseminate information and technical support, and collaborate in developing response plans.⁶⁰

Homeland Security Presidential Directive (HSPD)-5 directed the Homeland Security Secretary to develop and administer a National Response Plan and National Incident Management System to ensure a comprehensive approach to disaster management at the local, state, tribal or national level and provides a flexible yet standardized incident management response.⁶¹

⁵⁷ David Tucker. “The RMA and the Interagency: Knowledge ad Speed vs. Ignorance and Sloth?” *Parameters, US Army War College Quarterly*. Autumn 2000. 1.

⁵⁸ Tucker. 8.

⁵⁹ Canada. 10.

⁶⁰ Canada. 6.

⁶¹ National Incident Management System. The US Department of Homeland Security. 1 March 2004.

II. LOS ANGELES RIOTS OF 1992

A. HISTORY

In the early 1990s, many Los Angeles neighborhoods experienced a severe economic depression. Defense spending cuts, the actual and proposed closure of military installations, and the departure of many manufacturing companies, as well as downturns in the auto industry, left the greater Los Angeles area troubled. Racial tensions were made worse by increased immigration by Hispanics, many of whom were illegal, along with “white flight” to the suburbs. By 1990, Latinos comprised 49 percent of South Central Los Angeles, while blacks accounted for 43 percent. Over 630,000 residents were living in poverty.⁶²

The economic downturn accompanied by an upturn in unemployment created opportunities for increased crime and gang activity. The gang activity included the use and sale of drugs, especially crack cocaine. Police Chief Daryl Gates instituted Operation Hammer in 1988 to combat the increasing crime and gang activity. However, while increasing the number of arrests, the operation added to the racial tension. Police officers, primarily white, were accused of harassment and racism because of their tactics of stopping, questioning, and searching individuals (usually black or Hispanic) simply for being on the streets. The allegations of harassment culminated when over 80 police officers, following a bad tip in search of crack cocaine houses, raided four apartments and arrested 33 black men and women, destroying the apartments in the process. The city eventually paid over \$3.7 million in civil damages for inappropriate use of force during the erroneous raid on the apartments.⁶³

Racial tension was fueled by a rift between Korean and black communities. For years, Koreans had moved into Los Angeles, purchasing many liquor and convenience stores. By 1991, Korean immigrants owned and operated over 3,300 convenience and

⁶² Susan Rosegrant. “The Flawed Emergency Response to the 1992 Los Angeles Riots (A).” Kennedy School of Government Case Program C16-00-1586.0 4.

⁶³ Lou Cannon. Official Negligence: How Rodney King and the Riots Changed Los Angeles and the LAPD. Westview Press, Boulder Colorado 1999. 17.

liquor stores in the greater Los Angeles area.⁶⁴ Increased crime in the area made Korean shop owners wary of black patrons and more likely to view them as potential criminals, while the customers felt they were being treated with contempt, discriminated against and charged too much by shop owners.⁶⁵

Early in the morning on March 3, 1991, Los Angeles Police Department Officers, while detaining and arresting a man who seemed intoxicated or on drugs and non-compliant, beat him for sixty eight seconds. These famous moments in history were caught on tape by George Holliday, and the broadcast of Rodney King's beating was a national symbol of police brutality by the next day.⁶⁶ King had led police officers on a high-speed vehicle chase for miles. Over time, an LAPD helicopter, three LAPD cars and two Highway Patrol cars had joined the chase. Two vehicle occupants with King were quick to comply with police orders and were taken into custody. King was not compliant; he was blatantly defiant. King was shot twice with a stun gun, threw officers off his back while they were trying to handcuff him, and charged at police officers until the use of police batons was authorized and directed.⁶⁷

Racial tension in the city was at a boiling point. Less than two weeks after the video of the Rodney King beating was released, a Korean shopkeeper shot and killed a 15 year-old black girl named Latasha Harlins. The shopkeeper claimed she thought she was being robbed and after a fight over a container of orange juice and shot Harlins in the back of the head as she left the store. After a lengthy trial and review of the store videotapes, the judge sentenced the shopkeeper to a suspended ten year prison sentence with five years on probation. The light sentence "convinced many in the city's African American community that the U.S. legal system was unjust."⁶⁸

Adding fuel to the racial tension, the trial judge decided to change the venue of the trial of the police officers charged with using excessive force against Rodney King, from downtown Los Angeles to the mostly white rural suburb of Simi Valley in Ventura

⁶⁴ Cannon. 113.

⁶⁵ Rosegrant. (A). 8.

⁶⁶ Rosegrant. (A). 1.

⁶⁷ Rosegrant. (A). 5.

⁶⁸ Rosegrant. (A). 8.

County. Riots in Los Angeles began on April 29, 1992, after a jury of 10 white people, one Hispanic, one Filipino and no black representatives acquitted four LA police officers of using excessive force against King.⁶⁹ From the time of the arrest and broadcast of the infamous 68-second tape until the acquittal, many in Los Angeles and throughout the nation believed that the four officers on trial were guilty and would receive a verdict as such.

Some scholars contend that greed, alcohol, and longstanding racial tension, along with police incompetence, provided fuel for rioting and looting; the rioters were using the Rodney King verdict as an excuse for arson, looting, and killing.⁷⁰ As the riots progressed, gangs became more organized and heavily armed, presenting a serious challenge for law enforcement officials and the military.

The riots of 1992 began approximately 4 miles from the Watts neighborhood where riots had occurred in 1965. The verdict was announced at approximately 1515 hours local and within 45 minutes an unruly crowd had formed at the intersection of Florence and Normandie. Police arrived at 1630. However, arriving ill-equipped, and seeing the large and unruly crowd, police retreated instead of attempting to arrest individuals who were throwing bricks and assaulting pedestrians.⁷¹ The Figure 2 shows a brief chronology of the 1992 riots.

69 Christopher M. Schnaubelt. "Lessons in Command and Control from the Los Angeles Riots." Parameters, US Army War College Quarterly. Summer 1997. <http://carlisle-www.army.mil/usawc/Parameters/97summer/schnau.htm>. Last accessed 23 July 2007.

70 William W. Mendel. "Combat in Cities: The LA Riots and Operation Rio." Foreign Military Studies Publications. July 1996. <http://leav-www.armuy.mil/fmso/documents/rio.htm>. Last accessed 26 April 2007.

71 Schnaubelt. Last accessed 23 July 2007.

Chronology of the 1992 Los Angeles Riots		
Date	Time (24hr)	Event
29-Apr	15:15	Acquittal verdicts announced in the trial of police officers accused of beating Rodney King
29-Apr	18:50	Rioters beat and nearly kill truck driver Reginald Denny as a television crew captures both the horror of the incident and the absence of Los Angeles Police Department (LAPD) officers. Hundreds of arson and looting incidents begin
29-Apr	21:00	The California governor's office informs the adjutant general that the governor has decided to mobilize (call to state active duty) 2000 California National Guard (CANG) troops at the request of the LA mayor
30-Apr	-	A dusk-to-dawn curfew is imposed in large portions of the city of LA and the surrounding county
30-Apr	4:00	Approximately 2000 CANG soldiers have reported to armories
30-Apr	11:00	Los Angeles County requests 2000 more CANG personnel; the governor approves the request
30-Apr	13:50	Ammunition from Camp Roberts (in central California) arrives in LA area via CH-47 helicopter
30-Apr	14:35	The first CANG elements (two military police companies) deploy in support of the LAPD and the LA Sheriff's Department (LASD)
30-Apr	20:00	About 1000 CANG troops are currently deployed "on the street," with more than 1000 more prepared to deploy and awaiting mission requests from law enforcement agencies
30-Apr	23:56	LAPD and LASD request 2000 additional CANG troops, for a total of 6000
1-May	1:00	Perceiving the CANG deployment to be too slow, the governor requests federal troops
1-May	5:15	The President agrees to deploy 4000 federal troops to LA
1-May	6:30	Approximately 1220 CANG soldiers are deployed in support of LAPD; 1600 are deployed in support of LASD; and 2700 are in reserve awaiting missions.
1-May	14:30	Active component Marines from Camp Pendleton, California, begin arriving in the LA area via convoy
1-May	16:30	Major General Marvin L. Covault, Commander, Joint Task Force-Los Angeles (JTF-LA) arrives in LA area
1-May	17:30	Active component soldiers from Ft. Ord, California, begin to arrive in LA area via C-141 aircraft.
1-May	18:00	The President announces that the CANG will be federalized
2-May	4:00	Final plane with active component soldiers arrives
2-May	11:00	Approximately 6150 CANG troops are deployed on the street, with 1000 more in reserve; 1850 soldiers from the 7th Infantry Division are in staging areas; Marines prepare for deployment
2-May	19:00	First active component troops deploy on the street; a battalion of Marines replaces 600 CANG soldiers
2-May	23:59	More than 6900 CANG soldiers are deployed, with 2700 more in reserve. Approximately 600 Marines are deployed, but most active component Army and Marine Corps personnel remain in staging areas.
9-May	12:00	CANG reverts to state status, ending federalization; active component forces begin redeploying home
13-27 May	-	CANG releases troops from state active duty, returning them to "part-time" status

Figure 2. Chronology of the 1992 Los Angeles Riots⁷²

⁷² Schnaubelt. Last accessed 23 July 2007.

The riot's severity was a result of police tactics combined with the number of people in the streets. Arguments by Bert Useem provide two different hypotheses regarding the management of a potential riot and its outcome:

1. A swift police response at the intersection would have sent a signal to rioters that violence and looting would not be permitted. A reverse bandwagon-effect would have occurred. The riot would have imploded rather than exploded.
2. The wide-spread, intense anger stemming from the verdicts was destined to spill over into disorderly conduct regardless of police actions at the intersection. If the Normandy incident had been quickly contained, another location would have been the boiling point for riots.⁷³

When the riots were over, 54 were killed and over 2,383 injured including 221 critically, 13,212 rioters had been arrested, and there were 11,113 fires. Estimates of total damages started at over \$700 million.⁷⁴

Given the brief overview of the LA Riots, the remainder of this chapter presents a number of areas where response efforts could be improved focusing on problems such as leadership and turf wars, initial Guard response, restraint, consequences of federalization, the Posse Comitatus Act, conflicting rules of engagement, differences in terminology, and misperceptions of effectiveness.

B. LEADERSHIP AND TURF WARS

As noted in a *Washington Times* article, "Soldiers are trained to kill; policemen use force as a last resort...There is a deep-rooted American hostility to the idea of using the military for domestic law enforcement."⁷⁵ Once federalization took place, the L.A. Chief of Police and Sheriff worked to delay the deployment of the military into the city. Police Chief Daryl Gates says, "I recoil at the idea of a federally controlled regular Army

⁷³ Bert Useem. "The State and Collective Disorders: The Los Angeles Riots/Protest of April, 1992." *Social Forces*. Vol. 76, No. 2. December 1997. 76.

⁷⁴ Mendel. Last accessed 26 April 2007.

⁷⁵ Gene Healy. Misguided Mission for Military. *Washington Times* July 31 2002. <http://www.cato.org/research/articles/healy-020731.html>. Last accessed 21 July 2007.

and Marine personnel, trained to fight a foreign enemy, being deployed on Los Angeles streets.”⁷⁶ The Mayor’s office was forced to get assistance from the Governor to overcome the delays.

Leadership at all levels was in disarray with one authority usurping another; those usurped did not always fall in line and support those above them. There was much bickering among leaders which did not help the interface between the civilian sector and the California National guard (CANG), not to mention the interactions among the civilian sector, the newly-federalized CANG and the regular Army. Who was in charge and where they were located were constant questions in the field. Additionally,

Politics and egos had a significant impact on various important decisions made during the riots...Sometimes senior officials merely wanted to appear fully in charge or posture themselves to take maximum advantage of the incredible numbers of media personnel in the area...At other times, decisions were made to help justify more questionable decisions made previously.⁷⁷

Many leadership conflicts resulted from perceptions of inadequacy and leaders jumping the gun there by not allowing lower level responders to do their jobs. An example is when the Guard felt usurped by federal troops because the governor hadn’t consulted with them prior to requesting federal support. As a result, the Guard resisted fully supporting federal leadership.

There were problems on both the civilian and the military sides. Los Angeles Mayor Tom Bradley and Police Chief Gates were openly at odds for many years. During the riots, the press reported a “vacancy of coordinated and forthright civilian leadership during the riots...[which] interfered with guidance from civil authorities to the military.”⁷⁸

There was apparent disinterest by civilian agencies for Guard support to the riot situation for two primary reasons: 1. the Guard members initially deploying to the riots, as previously mentioned, were inadequately trained and equipped; and 2. police officials

⁷⁶ Robert W. Madden. “Achieving Unity of Effort: A Challenge in Domestic Support Operations.” Strategy Research Project. Us Army War College. 9 March 1998. 15.

⁷⁷ Mendel. Last accessed 26 April 2007.

⁷⁸ Mendel. Last accessed 26 April 2007.

felt their positions usurped. Police officers in the greater Los Angeles area were assumed to be the foremost experts on the riots and civil unrest. Additionally, the traditional role of the military is to support and not lead. As such, “military forces are deployed only at the request of the appropriate civil authorities...if civil authorities do not think the military support necessary; the CANG had no leverage to cause them to incorporate military support into their emergency response plans.”⁷⁹

There were also problems with the plan for mutual aid among California law enforcement agencies. As outlined in the mutual response plans, when one agency is overwhelmed by an incident, the state Office of Emergency Services should coordinate and dispatch reinforcements from surrounding areas. Only after all agencies were depleted would the National Guard be called. It was assumed, as the incident increased in severity, that the Guard would receive an appropriate warning notice and with time to mobilize. However, the unanticipated rapid escalation of the civil disturbance overwhelmed the mutual support agency in a matter of hours, requiring immediate deployment of the National Guard.⁸⁰

Some analysts argue that the LAPD's eventual request for troop support was a wise precaution, while others contend that the police were merely trying to shift blame or cover their own inadequacies. Still others argue that, because civil authorities did not plan and coordinate emergency responses with other agencies, in particular the Guard Bureau, it was only a matter of time before the military was required to restore law and order. The lack of planning and coordination was partially to blame because, “It was inconceivable that the LAPD would ever require outside assistance....as late as midnight the first night of the riots, Chief Daryl Gates doubted the need to deploy the CANG, telling a television news reporter that he ‘didn’t want to be taking orders from a general.’”⁸¹ Indeed, lack of preparation, foresight and inability to understand one’s own capabilities played a significant role in the riots.

After federalization of the National Guard, the on scene Joint Task Force – Los Angeles commander, Major General Marvin Covault, did not completely support all of

⁷⁹ Schnaubelt. Last accessed 23 July 2007.

⁸⁰ Schnaubelt. Last accessed 23 July 2007.

⁸¹ James D. Delk, Fires and Furies: The L.A. Riots. ETC Publications Palm Springs CA 1995. 45.

the requirements necessitated by the riots. His mission analysis resulted in the conclusion that military essential tasks did not include maintaining law and order, and that “It was not the military’s mission to solve Los Angeles’s crime problem, nor were we trained to do so.”⁸²

Contributing to relational stress and commander resentment was the understanding by the JTF-LA that the mission had basically been completed prior to the arrival of federal troops, so the primary focus of JTF-LA leadership was to expeditiously remove federal forces from the area. Local officials, already dissatisfied with the JTF-LA denial of law enforcement requests, were further frustrated when the federal troops began to pull out of the region without consideration of law enforcement priorities and needs. Exclusion of LAPD and local law enforcement agencies from the exit strategy decision making process further stressed units in the field as they did not have adequate time to adjust to the removal of federal troops.⁸³

C. INITIAL GUARD RESPONSE: INCORRECT TROOPS/ORDERS

As news of the riots began to spread, incidents on the ground began to rapidly increase, and it was only a matter of time before the riots became so large they overwhelmed local law enforcement officials. If local law enforcement officials became overwhelmed, it was obvious that the National Guard would be mobilized to help establish order. Yet the mission of the Guard was unclear, as the following summary explains:

1. CANG leadership did not have a deployment timeline establishing when troops would be available on the streets.
2. Law enforcement agencies expecting military support did not know when to expect troops to arrive.
3. Law enforcement agencies did not know where they wanted the troops to be deployed nor exactly what the soldiers should do once they appeared.⁸⁴

⁸² Delk. 302.

⁸³ Schnaubelt. Last accessed 23 July 2007.

⁸⁴ Schnaubelt. Last accessed 23 July 2007.

Although they had planned for mutual aid with fellow law officials from neighboring counties, law enforcement leaders initially had not considered use of the military to help quell a civil disturbance. As a result, when the crisis arose, military support arrangements were mostly ad hoc.⁸⁵

The California National Guard has troops trained and equipped to respond to civil disturbances. Instead of deploying the 49th Military Police Brigade located over 400 miles north of Los Angeles, the rapid growth of the civil disturbance required immediate deployment of troops from a mechanized infantry division stationed much closer to Los Angeles.⁸⁶ Though closer, they were not equipped or trained for such a deployment, but the Mayor and Governor both felt a more rapid response (though not adequate in terms of training and equipment) was better than a delayed proper response (one which included troops with proper training and equipment). The 40th Division deployed without riot gear, essential equipment for their M-16 rifles, or small arms ammunition.⁸⁷

Many California Army National Guard members came under fire or were taunted by armed gang members, but these "citizen soldiers" showed restraint. Restraint in the use of deadly force, especially in the face of provocation, is a reflection of leadership, training and the professionalism of the noncommissioned officers. "Fire discipline has long been recognized as a mark of the professional soldier, and the restraint and discipline shown by the Guardsmen during the riots was exemplary;" the deployment was extensive: 9,588 California National Guardsmen were deployed with over 325,000 rounds of rifle ammunition, 36,000 rounds of pistol ammunition and 3,750 tear gas riot grenades.⁸⁸ Battalion commander Lieutenant Commander Wenger asserts that all rounds fired (a total of 20 by Guardsmen) were all accounted for: "In fact, this may have been the only civil disturbance in recent U.S. history in which all of the rounds fired by soldiers could be accounted for."⁸⁹ Analysts referencing this restraint by the Guardsmen

⁸⁵ Schnaubelt. Last accessed 23 July 2007.

⁸⁶ Schnaubelt. Last accessed 23 July 2007.

⁸⁷ Madden. 17.

⁸⁸ William V. Wenger. "The 1992 Los Angeles Riots: A Battalion Commander's Perspective." *Infantry Magazine*. Jan-Feb 1994. <http://www.militarymuseum.org/LARiots2.html>. Last accessed 26 April 2007.

⁸⁹ Wenger. Last accessed 26 April 2007.

question the idea of federalization, and whether federal troops showed the same restraint, wondering if federalization was correct response to the control and management of the riots.

D. CONSEQUENCES OF FEDERALIZATION

Federalization occurred on the morning of May 1, but it was the next day before the California National Guard operations center received word and stopped receiving and approving missions and tasking Guard units without Task Force LA direction. Adding to the confusion, federal troops began using freeways, easily found on maps, as easy boundary jurisdictional delineators for response locations. This led to CANG brigade and battalion units changing from the established procedure of supporting one single police jurisdiction to supporting several police areas and operations bureaus, including operations in more than one city.⁹⁰ Federal, state, and local actors continued to ask “Who is in charge?” Indeed, even police officials who had previously coordinated with one military agency were supported by multiple units and required to coordinate with more than one military operations center. The figure below illustrates the size and location of the riots and relevant various jurisdictions within the greater Los Angeles area.

⁹⁰ Schnaubelt. Last accessed 23 July 2007.

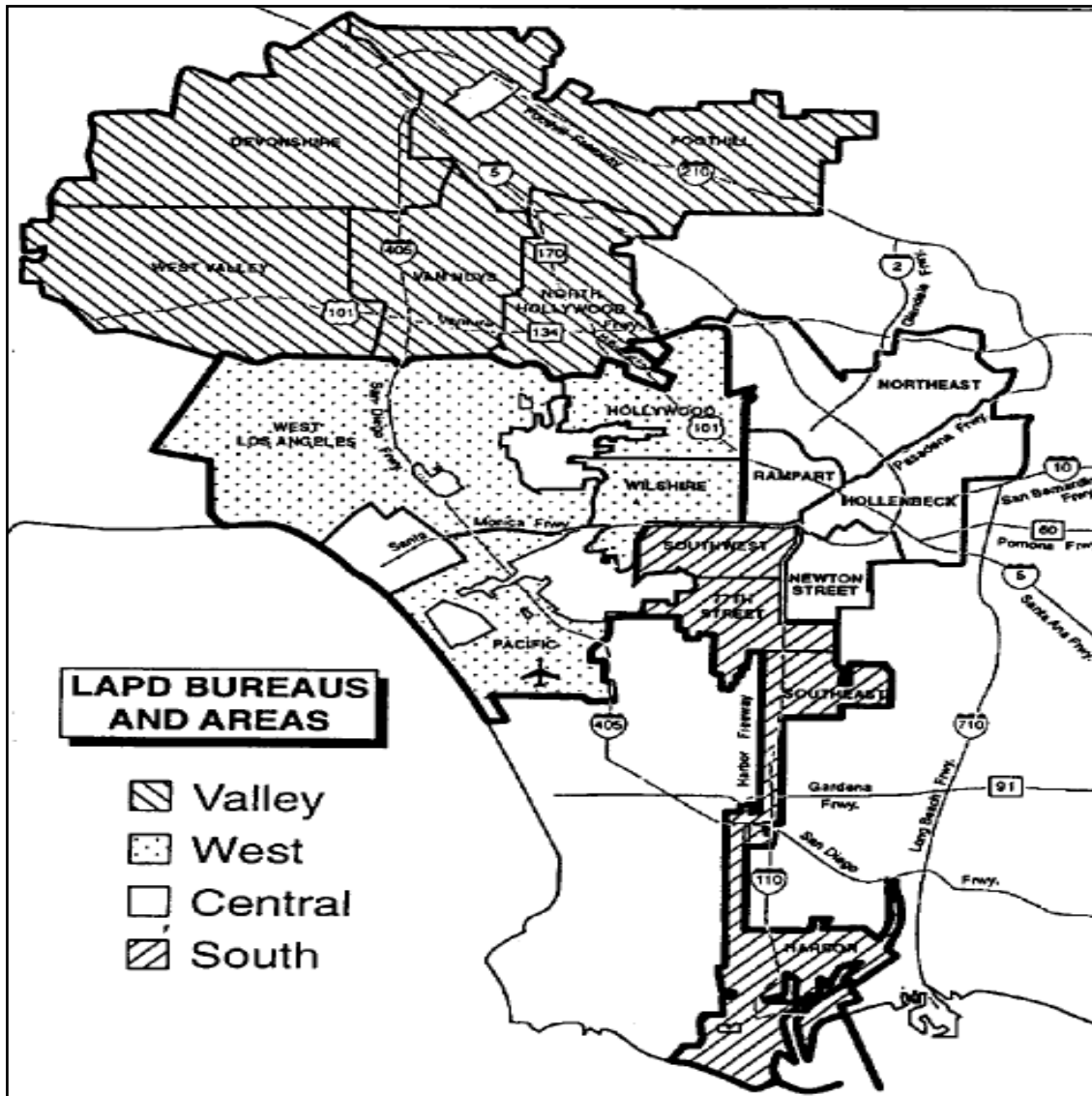


Figure 3. 1992 Map of Los Angeles Police Districts⁹¹

E. POSSE COMITATUS ACT PROBLEMS

Interpretations of the Posse Comitatus act by commanders in the field can be confusing, as Major General James D. Delk of the California National Guard points out. "I frankly did not know until several months after the riots that the Posse Comitatus did not apply. Did MG Covault make the same assumption I did, did he make a mistake (or

⁹¹ Rosegrant. (A). 15.

his JAGs), or was he given guidance?”⁹² The California National Guard, while under control of the governor (authorized under Title 32 U.S. Code) has the ability and authority to participate in enforcing domestic law and conduct police activities. However, federal troops (authorized under Title 10 U.S. Code) are prohibited from enforcing domestic law. A misinterpretation and incorrect application of the Posse Comitatus Act reduced the Guardsmen’s effectiveness in supporting law enforcement agencies by 80 percent once federalized.⁹³ Prior to federalization, Guardsmen were able to respond to any and all requests provided by local law enforcement officials (with manpower as a limiting factor); after federalization, incorrect application of the Act prohibited Guardsmen from acting to enforce domestic laws and supporting the same requests from local law enforcement officials.

Prior to federalization, the California National Guard had an expedited procedure to approve local law enforcement requests for support. Guard leadership delegated maximum authority possible to regional and local subordinate military commanders to work directly with law enforcement officials. Before federalization, the CANG supported almost all requests by law enforcement. Troop strength was the limiting factor, but there was no Posse Comitatus Act interpretation requirement under Title 32.⁹⁴ However, once federalized and placed under control of Joint Task Force Los Angeles, requests for CANG support to law enforcement agencies were subject to a test to determine if the law enforcement was applicable to military operations. Regular military officers had misinterpreted the intentions and legality of the Posse Comitatus Act and were afraid of breaking the law regarding the use of federal troops to enforce domestic laws. Officials failed to understand that if federal troops are deployed by a Presidential order to restore law and order, the Posse Comitatus Act does not apply and becomes an unnecessary constraint in “a sudden and unexpected civil disturbance, disaster, or

92 Matt Matthews. “The Posse Comitatus Act and the United States Army: A historical Perspective.” Combat Studies Institute Press, Global War on Terrorism Occasional Paper 14. Fort Leavenworth, Kansas. 2006. 47.

93 Mendel. Last accessed 26 April 2007.

94 Schnaubelt. Last accessed 23-July 2007.

calamity.”⁹⁵ In fact, “the Presidential Order of 1 May provided JTF-LA the authority to ‘restore law and order,’ which included the performance of law enforcement activities; Posse Comitatus therefore could not limit the military’s options in this circumstance.”⁹⁶

It [JTF-LA] required each request for assistance to be subjected to a nebulous test to determine whether the requested assignments constituted a law enforcement or a military function. As a result, after the federalization on 1 May...not only were the federal troops rendered largely unavailable for most assignments requested by the LAPD, but the National Guard, under federal command, was made subject to the same restrictions, therefore had to refuse many post-federalization requests for help.⁹⁷

As the JTF-LA began to control situational responses, it established liaison teams at four previously established LAPD operations bureaus and at the City of Los Angeles emergency operations center. These liaisons were responsible for coordinating support to the law enforcement agencies. However, review requirements for each request required the signatures of the JTF-LA commander, operations officer, liaison officer, and staff judge advocate. This process significantly slowed response approval, leaving aside that the definitions of whether law enforcement requests were legal was still vague. Further, each approved request had to be revalidated daily, and new requests took an average of six to eight hours for approval. Because of the revalidation process, many police officials and military units in the field did not perform support missions because they did not realize the missions were still approved.⁹⁸

F. CONFLICTING RULES OF ENGAGEMENT

California National Guardsmen were on the streets of Los Angeles for four days with armed weapons based upon the Arming Order (AO-5) issued by Major General James Delk. After federalization, they were ordered under a new arming order (AO-1, issued by Joint Task Force Los Angeles Commander Major General Marvin Covault) to remove ammunition from weapons, put away all ammunition and “sling arms.”⁹⁹ The

⁹⁵ Mendel. Last accessed 26 April 2007.

⁹⁶ Schnaubelt. Last accessed 23 July 2007.

⁹⁷ Delk., 305.

⁹⁸ Schnaubelt. Last accessed 23 July 2007.

⁹⁹ Mendel. Last accessed 26 April 2007.

new arming order made several aspects of the counter riot mission unclear, confusing, and constraining to effective military operations. Individuals previously armed under AO-5 were ordered to AO-1, with no change in the situation on the ground. They did not understand what had changed to reduce their ability to enforce laws or use force if necessary. The disarming placed soldiers at a perceived greater risk because gang members could determine if weapons were loaded simply by looking to see if weapons contained magazines. Finally,

Most soldiers on the street, and the police officers they were supporting, believed that merely being in uniform in LA...required a higher state of readiness than AO-1...despite repeated admonitions from the JTF headquarters, National Guard officers and senior NCOs left it to the troops on the ground to determine the appropriate arming order.¹⁰⁰

Here, conflicting rules of engagement, arming orders and direction from leadership posed problems for individuals in the field. Questions were raised regarding the personal safety of the troops on the ground and their right to defend themselves. Partially responsible for the change in arming order was the fact that federalized troops are supposed to assume a supportive role to local law enforcement officials. However, Guardsmen who were permitted to enforce domestic laws under Title 32 (referencing law or U.S. Code governing, among other things, a state's ability to sustain a militia capable of enforcing domestic laws) were no longer able to carry out the same missions when federalized under Title 10 (U.S. Code governing permissible or required activities of the nation's military) because of conflicting guidance from multiple leadership chains throughout the riot timeframe.

G. DIFFERENCES IN TERMINOLOGY AND TRAINING

Training and tactics vary considerably between the military and domestic police officers. When the military is combined with domestic police units, differences in training may become problematic. The following story illustrates a situation that resulted from differences in training and terminology between the military and civilian law enforcement agencies:

¹⁰⁰ Schnaubelt. Last accessed 23 July 2007.

Police officers responded to a domestic dispute, accompanied by marines. They had just gone up to the door when two shotgun birdshot rounds were fired through the door, hitting the officers. One yelled ‘cover me!’ to the marines, who then laid down a heavy base of fire...The police officer had not meant ‘shoot’ when he yelled ‘cover me’ to the marines. The term ‘cover me’ meant the same to him as it does to the Army (National Guard) soldiers. That is, point your weapons and be prepared to respond if necessary. However, the marines responded instantly in the precise way they had been trained, where ‘cover me’ means ‘provide me with cover using firepower.’¹⁰¹

Lieutenant Colonel Wenger states, “Units at all levels need more training to prepare to meet future challenges such as those we [California Guard] faced in Los Angeles – specifically, the requirement to complement law enforcement.”¹⁰² According to CANG Field Commander Major General James Delk, conflicting arming orders, both prior to and after federalization, resulted from federal military leaders' desire to evade culpability and responsibility in case a troop shot a civilian. Delk states, “This was a [federal military] leadership problem and illustrates the military’s failure to confront the compelling and contradictory issue of urban combat in a peacetime environment.”¹⁰³

At times the civilian leadership did not fully understand the capabilities of the military, due primarily to a lack of exercise and training at all levels of the leadership hierarchy. As the riot progressed, civilian authorities at the County Emergency Operations Center assigned individual troops or small teams inconsistently with their training, equipment, or ability. The review report produced for the governor, *Assessment of the Performance of the California National Guard During the Civil Disturbances in Los Angeles* (the "Harrison Report") says:

This resulted in individual soldiers being committed to a very volatile situation performing duties for which they were not specifically trained, without benefit of their accustomed leadership...with inability to communicate with other soldiers or units...with live ammunition chambered in their rifles.¹⁰⁴

101Delk. 221.

102 Wenger. Last accessed 26 April 2007.

103 Mendel. Last accessed 26 April 2007.

104 Mendel. Last accessed 26 April 2007. Quoting from William H. Harrison, and the Harrison Report.

Police or other civilians who may be integrated with the military must maintain a standard or basic level of knowledge with a particular understanding of the procedures for requesting military support. This knowledge base must include both the capabilities and restrictions of the National Guard under state and federal control.¹⁰⁵

Military training and integration with civilian law enforcement under the constant press scrutiny is a challenge to military leaders. In war, the actions of small units might significantly influence the outcome of the battle. However, inappropriate actions by a small unit are unlikely to determine the outcome of the war. In contrast, the mere misperception of misconduct, mistakes, or ineptitude by a handful of troops can negate the achievements of all the troops working to reestablish law and order. Indeed, “because public perception plays such a large role in determining the outcome of a peacekeeping mission, small-unit actions in such missions appear to have a significant potential for large-scale effects.”¹⁰⁶ In this area, effective training may alleviate many potential shortfalls by troops within the city and the news media reports on those shortfalls.

H. MISPERCEPTIONS OF EFFECTIVENESS

The California National Guard rapidly mobilized and began preparing for deployment into the riot stricken area once it was called upon. However, the riot grew so fast that the leaders of the California National Guard could not convince the governor and mayor of Los Angeles that troop mobilization and deployments were on schedule. Because of a lack of integrated exercises, and with the misperception that the National Guard would provide an immediate response, the governor did not allow adequate time for mobilization and deployment and called for federal support. One review of the decision to request federal support has led to the conclusion that the governor “in an apparent surrender to politics and images on national TV screens, agreed to ask for help from the federal government.”¹⁰⁷

Yet others contend that the governor did not make the decision to call for federal troops hastily. In the early hours of the riots, Warren Christopher, while serving as

¹⁰⁵ Wenger. Last accessed 26 April 2007.

¹⁰⁶ Schnaubelt. Last accessed 23 July 2007.

¹⁰⁷ Schnaubelt. Last accessed 23 July 2007.

Chairman of the Independent Commission on the Los Angeles Police Department (later known as the Christopher Commission) advised Mayor Bradley to request federal troops and federalization of the California National Guard. Christopher felt the riots were out of control. Furthermore, "The National Guard," according to Christopher, "was very slow to move in and that's fairly typical too...the National Guard is not very effective in these situations."¹⁰⁸ However, it was not until 1400 on the second day of rioting that the National Guard received orders to deploy. Essentially, the federalization of Guardsmen was a result of civilian leadership's lack of confidence in the CANG, which was compounded by a lack of understanding of employment procedures, military-police coordination, and admitted confusion over logistics.¹⁰⁹

The state of California has an internal mutual aid agreement so that if one jurisdiction becomes overwhelmed, neighboring law enforcement jurisdictions can be called upon for support. The Webster Report, a product of a five month review of the LA Riots by a panel led by former FBI Director William Webster, says that members of the state Office of Emergency Services were working to implement the mutual aid system, but could not get senior management support, so National Guard troops were requested by the Mayor and allocated by the Governor before the law enforcement mutual aid request was completed.¹¹⁰

One other item—simply, a lack of involvement—may be related to the perception of ineffectiveness and willingness to jump the gun by elevating requests for support prior to completing lower level assessments and response action plans. Before the riots, Governor Pete Wilson had not visited the Guard in the field, nor did he have a clear understanding of their capabilities, a problem exacerbated by the fact the Adjutant General had no direct access to the Governor's office, a policy in many other states as well. Misunderstanding the capabilities of the California Guard, Wilson, along with Mayor Bradley, requested federal assistance and federalization of the CANG without consulting the Guard's leaders.¹¹¹

¹⁰⁸ Mendel. Last accessed 26 April 2007.

¹⁰⁹ Mendel. Last accessed 26 April 2007.

¹¹⁰ Madden. 22.

¹¹¹ Mendel. Last accessed 26 April 2007.

I. SUMMARY

This chapter provides an introduction and overview of the events resulting from the Los Angeles Riots of 1992. It provides an initial summary of the situation leading up to the riots and highlights some potential causes for the rapid escalation. Additionally, the chapter provides information regarding impediments to effective disaster recovery when local, state, and federal responders are involved. The following is a brief summary of items presented in this chapter. Unified leadership at all levels of disaster response was a requirement not afforded during the riot response. Unity of effort and streamlined chain of command could have prevented conflicting rules of engagement and duplication of effort. Additionally, deploying correctly trained and equipped personnel from the National Guard had potential to swiftly restore law and order. Next, federalization of Guardsmen was a difficult decision which should have required a careful assessment of the consequences of local and state authorities being overwhelmed requiring federal assistance. The request for federalization may have been made too early. Finally, correct application of the Posse Comitatus Act after federalization of the Guardsmen and deployment of U.S. military coupled with improved education and training of officials in leadership positions is imperative to a successful integrated disaster response. The following chapter will provide a similar summary for the response to the Northridge Earthquake.

III. NORTHRIDGE EARTHQUAKE OF 1994

A. HISTORY

On January 17, 1994, at 4:30 a.m., an earthquake measuring 6.7 on the Richter scale struck California. Centered approximately one mile south of Northridge, the quake was responsible for over 70 deaths and thousands of injuries.¹¹² Over 110,000 residential and commercial structures were severely damaged and over 25,000 people were left homeless. Regional transportation was hampered by damage to highways in the greater Los Angeles area. Initial damage estimates began at \$20 billion.¹¹³ The timing of the earthquake spared lives. Had the quake occurred in midday or during rush hour, many more would have died. But although lives were spared, by March 2, 1994, the date of Congressional hearings, over 230,000 people had applied for disaster assistance.¹¹⁴

Larger scale earthquakes have become more frequent in California, and a spokesperson for the U.S. Geological Survey reports "a pronounced increase in the seismic energy release" since the 1971 San Fernando earthquake.¹¹⁵ Analysts claim that the increased frequency of earthquakes allowed disaster responders to learn from catastrophes and decisions of the past, improving response efforts when compared to other disasters. They contend that the continual learning process provides the foundation for future response efforts.¹¹⁶ Yet the continual process of learning and improving requires continuity. Complementing this informal learning process is the formal establishment of the National Earthquake Hazards Reduction Program authorized by the Earthquake Hazards Reduction Act of 1977 and subsequent reauthorization and

112 "The Government's Response to the Northridge Earthquake." Hearing before the Subcommittee on Government Management, Information and Technology: Committee on Government Reform and Oversight House of Representatives. 19 January 1996. 1.

113 James Lee Witt, Director, Federal Emergency Management Agency. "The Government's Response to the Northridge Earthquake." Hearing before the Subcommittee on Government Management, Information and Technology: Committee on Government Reform and Oversight House of Representatives. 19 January 1996. 14.

114 "Lessons Learned from the Northridge Earthquake." Hearing before the Committee on Science, Space, and Technology. U.S. House of Representatives. 2 March 1994. 1.

115 Kaye Shedlock, Chief Branch of Earthquake and Landslide Hazards, US Geological Survey. "Lessons Learned from the Northridge Earthquake." Hearing before the Committee on Science, Space, and Technology. U.S. House of Representatives. 2 March 1994. 10.

116 Shedlock. 10.

amendments.¹¹⁷ The act was established to “provide information about both earthquake hazards and risk to concerned citizens, public officials, and planners in order to (1) minimize loss of life and property and (2) to minimize economic hardship and social disruption.”¹¹⁸

B. IMMEDIATE RESPONSE

Within one hour of the quake, the Governor’s Office of Emergency Services contacted the California National Guard headquarters, which activated its Crisis Action Center in Sacramento. Within two hours, the 40th Infantry Division Emergency Operations Center was activated in Los Alamitos, and numerous Guard units were placed on alert. Over 2,600 members of the California National Guard were activated with the assumption they would be needed to enforce basic law and order, ensure public safety, distribute essential items such as food and water, and provide housing.¹¹⁹ The following figure provides a basic timeline of the earthquake and response efforts:

117 Robert M. Hamilton. and Arch C. Johnston. “Tecumseh’s Prophecy: Preparing for the Next New Madrid Earthquake A Plan for an Intensified Study of the New Madrid Seismic Zone.” U.S. Geological Survey. Circular 1066. 1991. 2.

118 Kaye M. Shedlock. and Craig S. Weaver. “Program for Earthquake Hazards Assessment in the Pacific Northwest.” U.S. Geological Survey. Circular 1067. 1991. 1.

119 Robert J. Brandt. “The Government’s Response to the Northridge Earthquake.” Hearing before the Subcommittee on Government Management, Information and Technology: Committee on Government Reform and Oversight House of Representatives. 19 January 1996. 87.

Chronology of Events

January 17, 1994

<u>Time of Day</u>	<u>Elapsed Time</u>	<u>Event/Actions Taken</u>
4:30 a.m.:	0 minutes	An earthquake of a magnitude of 6.8 occurred in the Los Angeles area, centered in Northridge. Damage spread over 2100 square miles and through three different counties.
4:31 a.m.:	[1 min.]	5.9 aftershock.
4:35 a.m.:	[5 min.]	Los Angeles City and County Emergency Operations Centers are activated.
4:45 a.m.:	[15 min.]	FEMA Response began.
5:45 a.m.:	[1 hr. 15 min.]	Los Angeles Mayor Riordan declared a state of emergency.
6:00 a.m.:	[1 hr. 30 min.]	FEMA Headquarters Emergency Support Team was activated.
6:45 a.m.:	[1 hr. 45 min.]	As many as 50 structural fires were reported, in addition to numerous ruptures in water and natural gas mains. Power outages reported citywide.
9:05 a.m.:	[4 hr. 35 min.]	California Governor Pete Wilson declared a State of Emergency.
9:45 a.m.:	[4 hr. 45 min.]	All active fires were under control.
2:08 p.m.:	[9 hr. 38 min.]	President Clinton declared a national disaster for Los Angeles County.
7:00 p.m.:	[14 hr. 30 min.]	First of several contracts put in place and crews began work on debris clearance and highway demolition.

Figure 4. Chronology of Events, Northridge Earthquake.¹²⁰

James Lee Witt, then-Director of FEMA, says that a swift response prevented further damage and remedied and reduced suffering. Within minutes, the federal response was forming and “President Clinton directed all federal agencies to devote their resources to response and recovery efforts.” Within an hour, FEMA’s Regional Operations Center was activated; it teamed with the Governor’s Office of Emergency Services and other federal agencies to “mobilize emergency shelters for disaster victims, provide food, water and emergency supplies, dispatch emergency medical and urban search and rescue teams, clear debris from damaged roadways and bridges, and begin repairs to impacted bridges and highways.” According to Witt, over 27 agencies cooperating together, along with the American Red Cross, met the federal disaster response benchmark set by Clinton for “collaboration, fiscal responsibility, flexibility, efficiency, compassion and speed.”¹²¹

¹²⁰ Robert Brodesky and Allan J. DeBlasio, Amanda Zamora, Frederick Mottley, Margaret E. Zirker, Michelle Crowder. “Effects of Catastrophic Events on Transportation Systems Management and Operations: Northridge Earthquake – January 17, 1994”. U.S. Department of Transportation ITS Joint Program Office. 11 April 2002. 9.

¹²¹ Witt. 14.

According to Witt, the President's immediate disaster declaration allowed the federal government to quickly and efficiently mobilize resources. Senior officials arrived in California and were able to offer immediate disaster funding to individuals. Because of the disaster declaration, officials could adapt federal programs to meet unique needs of the earthquake victims and simplify disaster assistance applications to speed the process.¹²² Finally, FEMA had the ability and foresight to advance \$305 million to the state and local governments, allowing for immediate local assistance for matters like as emergency shoring of damaged buildings and clearing of debris.

As a result of the earthquake, critical arteries in the Los Angeles area were cut, damaged, and filled with debris. However, contracts to remove debris and initiate repairs to roadways and bridges were in place before the end of the first day and workers began clearing debris and demolition by 7:00 p.m. the day of the earthquake.¹²³ The governor, mayor of Los Angeles and federal highway administrator worked together to prioritize repairs, initiate contracts and provide incentives for early completion. Federal responders cut through the red tape and partnered with state and local authorities to ensure the vital roadways were repaired in record time.¹²⁴

California Transportation (Caltrans) completed their assessment of damages to Los Angeles county transportation arteries early in the day; once President Clinton declared a disaster for the county, the Federal Highway Administration partnered with Caltrans and released emergency relief funds. The release of funds was not based on a prioritized listing of requirements backed by complete detailed government estimates and negotiated contracts, but rather good faith agreements targeted at expeditiously and immediately rebuilding vital highway networks.¹²⁵

¹²² Witt. 16.

¹²³ Brodesky. 9.

¹²⁴ Buck McKeon "The Government's Response to the Northridge Earthquake." Hearing before the Subcommittee on Government Management, Information and Technology: Committee on Government Reform and Oversight House of Representatives. 19 January 1996. 28

¹²⁵ Brodesky. 12.

C. COOPERATION

Throughout the disaster response and recovery, there were numerous instances of cooperation among local, state and federal officials, and officials in a variety of roles have noted the massive amount of cooperation among numerous agencies. Federal agencies, including FEMA, responded very effectively, as did non-governmental organizations, as Congressman Julian Dixon from California noted:

I would like to say that...FEMA performed in the last disaster [regarding Northridge earthquake] from my observation their performance was excellent...I have found that Director Witt had not only been on the scene, but very cooperative with the California delegation...I also recognize agencies of goodwill have differences...nevertheless, whether it is the city of Los Angeles, or the State of California or FEMA, our Federal representative, I think they responded in good faith, had a good degree of cooperation and think our task is to make sure that in the future that degree of cooperation and success continue.¹²⁶

Political ambitions were set aside and individuals came together to resolve one of the largest disasters to strike the United States. Congressman Buck McKeon, speaking at a Senate subcommittee hearing, pointed out:

I talked with Director Witt and I remember the room when we opened the first disaster center, Dick [mayor of Los Angeles] was there the Governor was there, and your [subcommittee Chairman] first words were ‘we need to stick together’ and we did that...we weren’t taking about Democrats or Republicans or liberals or conservatives or whatever...we were pulling together as Americans to try to help people get through a tough time.”¹²⁷

FEMA Director Witt emphasizes that the sheer magnitude of the earthquake damage required all federal agencies to “really come together and foster a partnership,” noting that numerous emergency managers, the secretary of transportation, representatives from the Governor’s and Mayor’s office and Congress were working late

126 Lincoln W. Dixon. “The Government’s Response to the Northridge Earthquake.” Hearing before the Subcommittee on Government Management, Information and Technology: Committee on Government Reform and Oversight House of Representatives. 19 January 1996. 3.

127 McKeon. 6.

into the evening, every evening, to “make sure that effort was united...That has made a big difference in how we respond, by doing it together and maximizing that Federal dollar to its limit in disasters.”¹²⁸

Finally, in a report compiled for the Department of Transportation, major participant and disaster responders were lauded: “Everyone involved was driven by the desire to ‘be part of the recovery effort,’ and ‘take pride in showing what we could do.’”¹²⁹

Rebuilding the Los Angeles regional freeway network required a sustained effort by Caltrans and unprecedented cooperation between local, state, and federal government agencies. Through demolition, construction bidding, and reconstruction, the agencies involved exercised innovative solutions to existing ‘red tape’ problems to restore the highway network.¹³⁰

D. INNOVATION

Director Witt points to many streamlined innovations that greatly assisted in the recovery efforts, which include fast track housing using the state’s modeling system combined with area zip codes to speed the process of distributing money to those in need. Additionally, FEMA partnered with the Inspector General’s office to publicize the fact this streamlined process was always under audit and fraud would not be tolerated. Implementation of a new computer system called the Ace Computer Compact facilitated quick and reasonably accurate damage estimates after inspectors were out on site. The implementation of a first of its kind computer system “cut time considerably in getting checks back to individuals.”¹³¹ The State Office of Emergency Services and FEMS established a recovery channel that for the first time linked over 100 different cable television stations to provide one information channel for vital disaster recovery information. Finally, FEMA signed a memorandum of agreement with the state regarding mitigation, giving the state more authority to approve disaster mitigation projects.¹³²

¹²⁸ Witt. 10.

¹²⁹ Brodesky. 31.

¹³⁰ Brodesky. 31.

¹³¹ Witt. 10.

¹³² Witt. 10.

E. BUREAUCRACY

“Anytime you have federal, state and local dollars placed into a disaster you will always have politics,” says Witt.¹³³ He has argued on numerous occasions that even when a disaster has been declared by the President, federal responders must understand that the state and local government should lead response and recovery efforts; federal responders are in place as support. Because of this pre-determined supportive role, it is extremely important that the federal government do a better job in educating mayors and Governors regarding the role of FEMA and other federal responders prior to a disaster.¹³⁴

While many things went right, there were some lessons to learn. One was the comfort factor: FEMA employees rely on past experiences to provide templates for a current crisis. Witt says, “FEMA has a lot of staff who work very hard, are very dedicated, and want to make a difference, but what has happened over the years is that they have been involved in so many disasters, they basically take those disasters and say well, this is the way we did it last time.” Relying on the past in decision making gave inconsistent end results based upon locality rather than universal policy, which led FEMA to develop a policy book for federal coordination officers dealing with state and local authorities.¹³⁵

Questioned by a member of the Senate Subcommittee on Government Management, Information, and Technology about impediments to effective FEMA disaster response and recovery, Witt stated, “I think probably [the number one impediment] was more the bureaucratic system that we have than anything and trying to cut through that bureaucracy when trying to support state and local needs.”¹³⁶

Richard Andrews, Director of the Governor’s Office of Emergency Services for the State of California, believes there should not be a nationalized or “Federal 911” operation for disaster response and recovery. Supporting mandates for federal support to state or local authorities, he argues,

¹³³ Witt. 30.

¹³⁴ Witt. 31.

¹³⁵ Witt. 21.

¹³⁶ Witt. 28.

The role of the federal government during an emergency is to provide support to specific resource requests...it is important that federal emergency response efforts not be undertaken solely to showcase a presence for the media when no critical resource needs are present and requests from states have not been made.¹³⁷

Regarding the need for expedited contract requirement identification and award and the impediments presented during a disaster, Congressman Davis argues rules are in place and have a purpose, especially regarding the provision and awarding of contracts. However, he asserts that Congress spends much of its time to ensure legal contracts are negotiated, but “may prevent doing anything else in a timely manner...in mega-emergencies I think you have got to have adequate waiver provisions...it is not FEMA’s fault [regarding timeliness of contract provisions] maybe it is our [Congress’s] fault.”¹³⁸ Here, the Congressmen is not taking the blame for bureaucratic requirements, rather identifying additional items which contributed to slowing the overall process of recovery regarding FEMA and the federal government’s requirements.

A common misconception of state and local authorities and the general public is that the declaration of a disaster will “call in the cavalry” to provide any and all responses needed, and federal responders will make the affected area whole again. State and local responders should understand that FEMA and other federal agencies play a support role, allowing local response plans to run their course.¹³⁹

E. MILITARY SUPPORT

With numerous structures damaged by the earthquake, state and local responders saw the immediate need for temporary shelters for individuals. Shelters were initially opened in large undamaged facilities like gymnasiums, but because such shelters were vulnerable to crime, as happened in Florida after hurricane Andrew, the city requested

137 Richard Andrews. Director, Governor’s Office of Emergency Services, State of California. “The Government’s Response to the Northridge Earthquake.” Hearing before the Subcommittee on Government Management, Information and Technology: Committee on Government Reform and Oversight House of Representatives. 19 January 1996. 64.

138 Tom Davis. “The Government’s Response to the Northridge Earthquake.” Hearing before the Subcommittee on Government Management, Information and Technology: Committee on Government Reform and Oversight House of Representatives. 19 January 1996. 10.

139 Witt. 29.

that the California National Guard provide round the clock security assistance.¹⁴⁰ Over 2,300 Guard members were mobilized to protect public safety and set up tents for emergency shelters. The Red Cross and Salvation Army shelters were not at capacity, but many people, fearing aftershocks, did not feel those shelters were safe.¹⁴¹

F. CHALLENGES

At times government officials practice response and recovery actions in real time or table top exercises. Unrecognized interdependencies are easily overlooked during disaster response exercises but can come to light in actual disaster response and recovery efforts. For example, six hospitals generally considered safe havens for disaster response were crippled in the Northridge earthquake and required evacuation, which required using the limited number of ambulances and medical helicopters and greatly reduced the availability of emergency vehicles for other needs.¹⁴²

G. COMMUNICATIONS

Immediately following the quake, communication was difficult. Power was out because transmission lines were down or there were fires at electrical stations. The power outage affected the central phone system and switching stations. The telecommunications system itself became overwhelmed, as phones were off the hook: some because they were knocked off by the quake; others were in use by those trying to call family and friends. There is a failsafe to turn off the telecommunications system when a certain percentage of phones are off the hook.¹⁴³ The failsafe required emergency responders to rely on solely cellular phones and radios until the system could be brought back on line.

140 Richard Riordan. Los Angeles Mayor. "The Government's Response to the Northridge Earthquake." Hearing before the Subcommittee on Government Management, Information and Technology: Committee on Government Reform and Oversight House of Representatives. 19 January 1996. 44.

141 Pete Wilson. "Disaster Recovery Lessons Learned in California." Testimony Before the Senate Committee on Homeland Security and government Affairs. 14 September 2005. 2.

142 C.H. Schultz. K. L. Koenig and RJ Lewis. "Implications of Hospital Evacuation after the Northridge, California, Earthquake." New England Journal of Medicine. 3 April 2003. 1.

143 Brodesky. 40.

A major challenge during any disaster response and recovery is collaborative communications. In testimony to Congress, Major General Brandt emphasizes that communications were difficult at best: “A challenge that we faced at the unit level in responding to the disaster was the lack of tactical communications interoperability with local law enforcement and fire response agencies...military communications is not compatible with civilian radios.”¹⁴⁴

H. SUMMARY

This chapter provides an introduction and overview of the events resulting from the Northridge earthquake. Unlike the Los Angeles Riots, a general tone of cooperation and success by responders was prevalent throughout the case study. Information provided by first hand responders is presented to outline some impediments as well as innovative solutions to these impediments. The following is a summary of items presented in this chapter. Cooperation between local, state and federal responders proved a significant factor in the expediency of disaster response and recovery. Next, this cooperation fostered innovation and allowed individuals to cut corners while focusing on disaster recovery. However, the total response efforts to the earth quake stricken area was not flawless. Bureaucratic problems were encountered regarding local state, and federal authorities. The incorrect general application of past experiences of FEMA leaders to the current situation led to inconsistencies in resulting outcome. Also, while innovation streamlined many response efforts, bureaucratic regulations slowed response efforts. Finally, communications immediately following the earthquake were difficult to maintain at best. Improvements are required here. The following chapter will present information and a review of the disaster response and recovery resulting from Hurricane Katrina.

¹⁴⁴ Brandt. 88.

IV. HURRICANE KATRINA

A. HISTORY

Hurricane Katrina, upon reaching land in the Gulf of Mexico on 29 August 2005, had winds of 130-150 mph winds and produced an enormous amount of rain. The energy of the hurricane created a storm surge as high as 27 feet along the northern Gulf coast. The high winds, storm surge and rain severely impacted 93,000 square miles of the Gulf coast region, which is nearly the size of Great Britain.¹⁴⁵ The following figure provides a timeline of the development of Hurricane Katrina.

<i>August 26</i>	<ul style="list-style-type: none">▪ 4:00 a.m. CDT Katrina reentered Gulf of Mexico after passing over Florida and returned to Category 1 strength.▪ 10:30 a.m. CDT Became Category 2.▪ 4:00 p.m. CDT NHC Advisory 14 strike model shows storm track tending towards Mississippi coast with New Orleans within error band.▪ 10:00 p.m. CDT NHC Advisory 15 strike model shows storm track moving further west with the storm passing directly near or over New Orleans; the intensity projected was for a Category 4 or 5 hurricane. This came 56 hours prior to landfall. Every subsequent projection of track and intensity was consistent with this message.
<i>August 27</i>	<ul style="list-style-type: none">▪ 4:00 a.m. CDT Became Category 3▪ 10:00 p.m. CDT A Hurricane Warning is issued (the goal is to issue a warning 24 hours prior to landfall) for the North Central Gulf Coast. "Preparations to protect life and property should be rushed to completion." Coastal storm surge flooding of 15-20 feet, with 25 feet in some locales, was being projected as well.
<i>August 28</i>	<ul style="list-style-type: none">▪ 12:40 a.m. CDT Became Category 4▪ 6:15 a.m. CDT Became Category 5▪ 7:00 a.m. CDT NHC Advisory 22 described Katrina as a "potentially catastrophic" hurricane. Every advisory from this point forward used the term "potentially catastrophic" or "extremely dangerous."▪ 4:00 p.m. CDT NHC Advisory 24 "some levees in the Greater New Orleans area could be overtopped."
<i>August 29</i>	<ul style="list-style-type: none">▪ 2:00 a.m. CDT Became Category 4 hurricane▪ 6:10 a.m. CDT Made landfall S.E. Louisiana as a Category 4

Figure 5. Hurricane Katrina Developmental Timeline¹⁴⁶

In preparation for landfall, over 1.3 million people evacuated the Gulf coast region. Of those who stayed or were left behind, 62,000 were rescued by water craft

¹⁴⁵ The Federal Response to Hurricane Katrina: Lessons Learned. February 2006. 1.

¹⁴⁶ "Failing to Protect and Defend: the Federal Emergency Response to Hurricane Katrina." A Staff Report by the Democratic Staff of the House Committee on Science. Version 1.0a. 20 October 2005. 6-7.

from roofs or attics; and 78,000 were evacuated by response vehicles like buses or aircraft. About 12,000 hospital patients were evacuated, with another 42,000 individuals triaged at two hastily established emergency centers. The disaster recovery effort required the first-ever use of the National Disaster Medical System.¹⁴⁷ Shelters of last resort were established by the Mayor of New Orleans and 25,000 individuals were using them within 24 hours. By September 1, over 60,000 individuals were at the Superdome awaiting evacuation. While the Superdome served its purpose as a shelter of last resort, individuals housed in the dome were subject to difficult living conditions. With sections of the roof peeled off and leaking water, and lacking significant amounts of potable water and food, and with sanitary conditions degrading by the hour, individuals were waiting for rescue. As the flood waters were rising, individuals within the Superdome were hoping for a speedy evacuation. Finally, late on 4 September, the last of individuals residing in the Superdome were evacuated.

Hurricane Katrina wiped out infrastructure in much of the Gulf coast area: water, electricity, telephones, sewage, roads, bridges, phone and radio towers were all destroyed or inoperable. The devastation was responsible for over 1,300 deaths, with Louisiana the hardest hit and over 1,000 deaths. Well over 700,000 individuals were displaced from the region, and 300,000-plus homes were severely damaged or destroyed.¹⁴⁸ Though the figures are still increasing, damage estimates were over \$100 billion.

Active duty military responded to the disaster as part of Joint Task Force-Katrina commanded by Lieutenant General Honore. By September 1, there were over 3,000 active duty personnel in place; four days later, that number was 14,232.¹⁴⁹ The military participated in two primary ways to the response efforts following Katrina. The first was providing individuals to the Joint Field Office supporting federal operations as outlined

¹⁴⁷ Lessons Learned: Hurricanes Katrina & Rita. Louisiana Office of Homeland Security and Emergency Preparedness. 7.

¹⁴⁸ "A Performance Review of FEMA's Disaster Management Activities in Response to Hurricane Katrina." Department of Homeland Security. Office of Inspector General. Report OIG-06-32. March 2006. 4-5.

¹⁴⁹ The Federal Response to Hurricane Katrina: Lessons Learned. February 2006. 43.

within the National Response Plan. The second, and where the bulk of the federal military was employed, was in service outside of the primary boundaries of the NRP, as part of Joint Task Force Katrina.¹⁵⁰

National Guardsmen deployed from all over the nation to the Gulf coast region.¹⁵¹ Federal military also deployed to the region. The following table provides a detailed listing of troop levels by date responding to Hurricane Katrina. It identifies the total numbers of guardsmen and U.S. military troops deploying to the region, provides a time reference when individuals began to mobilize, and shows the duration individuals remained in the disaster stricken area.

Number of National Guard and active Duty Personnel in Joint Operational Area of Hurricane Katrina		
Date	National Guard	Active Duty
August 26	2,505	n/a
August 27	2,633	n/a
August 28	4,091	n/a
August 29	7,522	n/a
August 30	8, 573	1,000
August 31	11,003	2,000
September 1	13,113	3,000
September 2	16,928	4,011
September 3	22,624	4,631
September 4	30,188	10,952
September 5	32,760	15,204
September 6	42,990	17,417
September 7	45,420	18,342
September 8	48,560	19,749
September 9	50,116	21,408
September 10	50,116	21,168
September 11	48,045	22,028
September 12	48,280	22,670
September 13	45,791	22,232
September 14	45,063	18,690

Figure 6. Katrina Military Response Personnel Numbers by Day¹⁵²

150“ DHS/FEMA Initial Response Hotwash: Hurricane Katrina in Louisiana.” DR-1603-LA. 13 February 2006. 1.

151 “A Performance Review of FEMA’s Disaster Management Activities in Response to Hurricane Katrina.” Department of Homeland Security Office of Inspector General. Report OIG-06-32. March 2006. 62.

152 “A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina.” 15 February 2006. 202.

B. RESPONSIBILITIES

Without pre-positioned supplies and equipment, local and state officials can only hope to acquire assets needed for response. Congressmen Bill Schuster of Pennsylvania, in testimony to Congress stated, “One of important lessons of Katrina is that the federal government’s ability to respond to a catastrophic disaster is often dependent upon the quality of the state and local disaster system.”¹⁵³ The state of Louisiana did not have any assets pre-positioned prior to the landfall of Hurricane Katrina.¹⁵⁴ The lack of pre-positioned equipment and assets contributed to the logistical problems encountered by both FEMA and the military as it took several days to establish properly functioning distribution hubs.

Active duty military personnel responded and deployed to the disaster recovery area expeditiously. Once established and on scene, Joint Task Force-Katrina supported the Louisiana National Guard and New Orleans Police Department with crowd control during the Superdome evacuation, maintenance of law and order in the streets and with door-to-door secondary searches for survivors and bodies. They provided assistance to many people who had not evacuated and yet were to be rescued.¹⁵⁵ Along with other duties, at FEMA's request the DoD took control of FEMA’s logistical distribution operations.

Often individuals from all over the nation want to help with money, supplies or personal effort in a disaster area. Volunteers, despite good intentions, often are not self sufficient and sustaining them poses a problem. One local first responder said, of out of state volunteer responders, “They have this angelic look on their face and want to be of

153 Bill Shuster. “The Big One: How Do We Ensure a Robust Federal Response to a Catastrophic Earthquake in the Los Angeles Region?” Congressional Testimony before The House of Representatives Subcommittee on Economic Development, Public Buildings and Emergency Management, Committee on Transportation and Infrastructure, Washington D.C. 23 February 2006. 2.

154 “DHS/FEMA Initial Response Hotwash: Hurricane Katrina in Louisiana.” DR-1603-LA. 13 February 2006. 17.

155 “A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina.” 15 February 2006. 213.

help, but the first thing they ask is ‘where can we eat, sleep...’¹⁵⁶ Volunteer responders arriving with supplies have the ability to inundate logistical managers with supplemental supplies reducing time these managers have to focus on tasks at hand: supplying essential materials in support of first responders’ needs in the disaster stricken area. The presence of converging volunteers was one of many issues contributing to logistical problems encountered during the Katrina response by FEMA.

The response efforts were hampered by confusion about the appropriate use of volunteer physicians from around the country. Doctors certified by various state boards arrived to provide medical support but those who were not licensed within the state where they were volunteering often were not allowed to practice. Joe Ward, a Mississippi family physician, said there was confusion about whether outside doctors could practice in the state of Mississippi, and due to inconsistencies with malpractice insurance, doctors were often relegated to changing linens and dressings. They were not allowed to provide prescriptions, administer medications or even suture wounds.¹⁵⁷ Better organization between local, state, and federal responders would allow volunteer out-of-state doctors to practice in emergencies. If such arrangements prove impossible, at least doctors should be discouraged from volunteering if they can provide no specialized services and simply burden already-stressed areas.

C. DELAYED RESPONSE

While DoD officials testified DoD was "leaning forward" taking quick action prior to Katrina’s landfall, FEMA officials said the DoD process appeared cumbersome, and Louisiana Governor Blanco’s Chief of Staff said the DoD was, in his opinion, slow and overly bureaucratic.¹⁵⁸

Department of Defense officials claimed it was difficult to respond to inadequate requests such as “Send us everything you’ve got.” Lacking an official request with an

156 Henry W. Fischer, Kathryn Gregoire, John Scala, Lynn Letukas, Joseph Mellon, Scott Romaine, and Danielle Turner. “The Emergency Management Response to Hurricane Katrina: As Told by the First Responders – A Case Study of What Went Wrong and Recommendations for the Future.” Quick Response Report, Natural Hazards Center. Number 189. Fall 2006. 8.

157 Joe A. Ward. Family Practice Physician. 430 W Broad St, Family Health Care Clinic, Monticello, Mississippi. Interview by Author 2 November 2007.

158 “A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina.” 15 February 2006. 205.

itemized list of requirements, the DoD initiated an internal assessment of assets that might be required for disaster recovery. It is not clear exactly when DHS or FEMA requested assistance from the DoD, nor what was requested. Regardless, DoD plans and assets were in motion before Presidential declarations were made.¹⁵⁹ Deployment of assets and personnel was delayed for various reasons. Assets required for response had to be kept out of harm's way—in other words, far enough away to prevent their own destruction—and transport was extremely difficult due to flooding and debris.

Analysis of the perceived delay in response reveals contradictory information. For example, a request from FEMA for the DoD to respond to a particular disaster involves several checks and balances, which ultimately require that the Secretary of Defense or a designated representative approve the request prior to the allocation of military assets. Critics of this process claim the 21-step approval procedure takes too much time and delays the allocation of military resources in a disaster recovery and response.¹⁶⁰ On the other hand, the military was fairly proactive in preparing to respond to Katrina's aftermath. Northern Command issued an execute order on August 26 which put DoD relief actions underway. The following day, NORTHCOM received its first request for support from FEMA which was to establish Barksdale Air Force Base as a logistical hub.¹⁶¹

The military response was not the only effort to be criticized as slow after Katrina. The American Red Cross, which provides initial food, shelter, medical care, and other essentials immediately following disasters, was also criticized. Some said the Red Cross response was late and it pulled out of the area too early but critics did not understand the Red Cross response was only temporary, and it is the responsibility of local, state and federal government officials to press forward with long-term reconstruction needs.¹⁶² Additionally, counters to the critics of the Red Cross point to

¹⁵⁹ Steve Bowman, Amy Belasco, and Lawrence Kapp. "Hurricane Katrina: DoD Disaster Response." *CRS Report for Congress*. RE33095. 6 October 2005. 14.

¹⁶⁰ The Federal Response to Hurricane Katrina: Lessons Learned. February 2006. 54.

¹⁶¹ "A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina." 15 February 2006. 66.

¹⁶² "Trouble Exposed: Katrina, Rita, and the Red Cross: A Family History." An Investigative Report by the U.S. House Committee on Homeland Security Democratic Staff. <http://homeland.house.gov/SiteDocuments/redcrossreport.pdf>. Last accessed 12 November 2007.

the fact there are critical gaps in the Department of Homeland Security's plans for responding to large-scale disasters, which include other governmental agencies such as the military.

D. TRAINING AND EXERCISES

During the initial response efforts to Katrina, there was virtually no unified command structure between state and federal governments. This can be attributed to a number of factors including the sheer magnitude of the response required. However, the lack of unity of command was also a failure to understand and implement of the National Response Plan's Incident Command System (ICS). Louisiana state officials had to hire a consultant specializing in the ICS and NRP three days after Katrina made landfall.¹⁶³ During times of crisis, management of numerous organizations and agencies is difficult at best; if individuals leading response efforts do not have proper training or understanding of response plans or command structures, coordination becomes even more chaotic. A question here must be asked: were the consultants hired by Louisiana state officials needed to provide initial training to state officials because of a lack of preparedness, or was the NRP and ICS so complex that regardless of the number of hours of training, an external expert was required to train state officials?

Largely due to the sheer magnitude of the devastation, there was a significant amount of tension within the leadership of all responding agencies. One report points to the fact there had been little or no active participation by the DoD, state governors, or other state officials in planning for or conducting an exercise to a response to different hazards and disasters. The report states that had there been continued participation in planning or exercises, the tensions of responding to an actual disaster would have been reduced. However, because there were many simulations instead of actual intergovernmental exercises, leadership roles and coordination was hectic and extremely stressed when the real crisis struck. "There were too many 'civilian authorities' in DoD's military assistance to civilian authority planning," referring to the

¹⁶³ "DHS/FEMA Initial Response Hotwash: Hurricane Katrina in Louisiana." DR-1603-LA. 13 February 2006. 23.

simulation of interaction with governors and other state officials and the fact individuals did not have the time nor concern to provide more realistic scenarios or leadership planning efforts.¹⁶⁴

Katrina tested the National Response Plan beyond its limits. A critical item not identified in the NRP was a disaster that encompassed more than one state. There was no specific mention of a multiple-state disaster response and recovery effort. Because the Hurricane impacted three states, President Bush was required by provisions within the Stafford Act to declare each state a disaster and appoint a separate federal coordinating officer.¹⁶⁵ Each individual responded to similar situations differently. As a result there was no continuity of effort regarding federal support to the different state's needs.

Training, planning for, and testing response actions prior to an actual emergency is critical, and realistic exercises are important for evaluating the recovery response plans. On a number of occasions, individual Gulf coast first responders practiced response actions necessary for a successful disaster recovery within their own small areas of responsibility. However, the practice sessions did not provide the realistic obstructions encountered in Hurricane Katrina, a critical shortfall in the actual response efforts for Katrina. For example, responders within the area had no vehicles as they were all destroyed by the storm and most modes of transportation were useless because the streets were covered with debris.¹⁶⁶

Additional training and exercises might have helped the state headquarters of the Louisiana National Guard understand the importance of topography compared to location. The headquarters was located in the historic Jackson Barracks on the edge of the lower Ninth Ward in New Orleans. Because of its central location, it convenient for command exercises. However, the exercises failed to consider that the entire area would

164 "A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina." 15 February 2006. 222.

165 William L. Carwile. "Unified Command and the State-Federal Response to Hurricane Katrina in Mississippi." *Homeland Security Affairs*. Volume 1, Issue 2. 2005. 9.

166 Fischer. 4.

flood if the levees failed. The lack of pre-planning and realistic exercises meant that in the middle of the disaster recovery efforts, Guard members literally had to save themselves and relocate their headquarters.¹⁶⁷

E. POLITICS AND BUREAUCRACY

Leaders at all levels claim that accurate, timely, and continual communications are crucial for effective planning, coordination and response. Communications were blamed for numerous inadequacies of Katrina responders. One report points to an underlying perception that some (but not all) communications problems were directly related to management and organizational issues rather than hardware problems at a particular location.¹⁶⁸ Further to the point, internal communications within a responding organization had a greater effect on the ineffectiveness of a response than inoperative communications systems.

There is a distinction between the military concept of a unified command and the civilian concept of authority. A unified command in the military sense has well established command structure with the commander and all subordinates aligned with common goals and objectives. Anyone stepping outside of these goals is typically subject to censure. However, in domestic disasters recovery response efforts are led by elected officials who have constituencies to which they must answer and may not align with previously established objectives in an overarching emergency action plan. Elected officials, as public servants, are subject to the public opinion of their constituents.¹⁶⁹

There are many checks, balances, and approval validation points when states and FEMA request assistance from the DoD. The process is supposed to ensure that DoD assets are not allocated incorrectly or unlawfully, and the process gives the states and FEMA maximum opportunity for coordination with the DoD. Louisiana officials called the process of approval by the DoD "bureaucratic." Despite the multiple layers of coordination, validation, and approval paperwork, a Congressional Bipartisan Select

¹⁶⁷ Les Melnyk. "Katrina Lessons Learned." *Soldiers Magazine*. 20 June 2006. 32.

¹⁶⁸ "DHS/FEMA Initial Response Hotwash: Hurricane Katrina in Louisiana." DR-1603-LA. 13 February 2006. ii.

¹⁶⁹ Carwile. 8.

Committee could not determine the origin of the request to provide forces to Louisiana.¹⁷⁰ Officials from Louisiana disputed that their Adjutant General had made the request directly to the commander of the Joint Task Force-Katrina and not to FEMA, the proper and official procedure for requesting assistance.¹⁷¹ Regardless, processes seem at a minimum too bureaucratic.

When reviewing the response to the aftermath of Katrina by the federal government, elected officials often accuse FEMA of lack of preparation, foresight, and planning. However, states and local communities who have a limited amount of emergency response capability should share in the blame. Local communities, counties and states often do not stage adequate essential response items such as water, food and generators to remain self sufficient for the first few days following a disaster.¹⁷² Though much of flood stricken New Orleans was under water, many surrounding communities were also not prepared for self sufficiency in the immediate wake of the disaster. Because of this the federal government had to assume the role of the first responder, a role not prescribed by planning efforts. Though FEMA has much room for improvement regarding the Katrina response, local and state officials did not help the situation by not preparing as best they could.

It is important to understand the difference between foresight and intelligence when compared to planning. Leaders may have intelligence estimates on the potential for catastrophic events, yet if plans and preparations are not made, the chance of successful recovery decreases significantly. The Democratic staff report to the House Committee on Science claims that the ineffective response and recovery after Katrina was “due neither to a failure of foresight nor to a failure of intelligence...scientists had projected for some time that a major hurricane would probably flood New Orleans.”¹⁷³

170 “A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina.” 15 February 2006. 204.

171 “A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina.” 15 February 2006. 204.

172 “DHS/FEMA Initial Response Hotwash: Hurricane Katrina in Louisiana.” DR-1603-LA. 13 February 2006. iv.

173 “Failing to Protect and Defend: the Federal Emergency Response to Hurricane Katrina.” A Staff Report by the Democratic Staff of the House Committee on Science. Version 1.0a. 20 October 2005. i.

In times of need, individuals may fall victim to the “me first” scenario, exemplified by local officials trying to hijack or divert shipments of critical assets. Local officials, sometimes brandishing firearms, tried to intimidate truck drivers transporting response items such as generators.¹⁷⁴ On numerous occasions, FEMA trailers full of critical response items were stopped at roadblocks placed by local officials. At the roadblocks, the trailers were inspected and often diverted by officials to destinations other than their original intended location.¹⁷⁵ Additionally, generators already installed were moved to other locations at the discretion of local officials. Though local officials may or may not have better understood where assets were needed, this understanding may have been better served by communicating these requirements to first responders to ensure other areas expecting supplies do not remain unattended.

Both the Mayor of New Orleans and the Governor of Louisiana were quick to blame the federal government for an inadequate response to Hurricane Katrina. Initial after action reports contained sharp criticism of both the Mayor and the Governor, claiming that their own actions and failures to act were major factors in the numerous Katrina response and recovery problems. Disaster plans were outdated, incomplete, or nonexistent; there were numerous delays in issuing evacuation orders; there was a lack of planning and execution to evacuate those who could not evacuate themselves; and finally, there were significant delays in official requests for federal assistance.¹⁷⁶

Individuals at all levels of response perceived those at different levels as problematic to the overall success of recovery efforts. For example, local responders felt that within their community, response efforts and coordination were going very well. Beyond the local level, they felt coordination among state and federal officials was lacking. At the state level, a similar perception was prevalent. State officials felt everything was flowing smoothly but there was hardly anything happening with mission

¹⁷⁴ “DHS/FEMA Initial Response Hotwash: Hurricane Katrina in Louisiana.” DR-1603-LA. 13 February 2006. 17.

¹⁷⁵ “DHS/FEMA Initial Response Hotwash: Hurricane Katrina in Louisiana.” DR-1603-LA. 13 February 2006. 17.

¹⁷⁶ Christopher T. Oscar. “Post Katrina: Redefining the Military Role in Homeland Security.” USAWC Strategy Research Project. 3 March 2006. 3.

coordination and accomplishment among local or federal officials. Federal responders completed the perception loop by claiming that things were going well at their level of organization while state and local officials were not doing what was needed.¹⁷⁷

F. ASKING FOR HELP

During the Hurricane Katrina response, there were a number of confusing requests for federal assistance, in particular requests for military assistance. As early as August 30, the DoD encountered confusion about FEMA's requests for assistance and was unclear what was official and what was only a matter of dialogue.¹⁷⁸ That day, DHS Secretary Michael Chertoff requested an update from the DoD on the status of shelters, levees, and other essential response items in place or underway by the DoD. The Office of the Secretary of Defense could not understand why Chertoff was requesting such information, as the DoD was not conducting such missions because they had not yet been requested by FEMA.¹⁷⁹

In parallel with the NRP, the DoD Joint Doctrine on Homeland Security plans for DoD support to civil authorities when local, state and other federal agencies are overwhelmed and assistance is requested by the lead federal agency in the response. In other words: "DoD's approach to civil support: it is generally a resource of last resort."¹⁸⁰ Though this may be the DoD's stance, critics argue that because DoD is basically a supporting agency and often a last resort, the sentiment may foster a reactive instead of a proactive approach to disaster recovery.¹⁸¹ Analysts suggest that DoD must be proactive in disasters that overwhelm local and state officials because "the question then arises, whether the agencies and authorities that have been overwhelmed are indeed capable of making the incident assessments and informed resource requests necessary to obtain DoD assistance."¹⁸²

¹⁷⁷ Fischer. 5.

¹⁷⁸ "A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina." 15 February 2006. 203.

¹⁷⁹ "A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina." 15 February 2006. 204.

¹⁸⁰ Bowman. 2.

¹⁸¹ Bowman. 15.

¹⁸² Bowman. 15.

Though the DoD may consider itself a last resort disaster responder, the perception by the general public is that DoD should not only respond but it should be the first on any scene with supplies necessary to prevent further suffering or property damage. The National Response Plan includes provisions for a proactive federal response to catastrophic events which seem likely to overwhelm the resources of other responders. In this case, DoD may respond to requests from civil authorities prior to official authorization if immediate actions will “save lives, prevent human suffering, or mitigate great property damage.”¹⁸³ However, unless civilian authorities ask for help, the DoD can not respond unless the President or the Secretary of Homeland Security makes the necessary declarations. Chertoff declared Katrina an Incident of National Significance on August 30, a bit late for a proactive DoD response.¹⁸⁴

State and federal integration is difficult, especially with a disaster of Katrina's magnitude. Even agencies within the federal government had problems with coordination. Early in the response effort, the DoD contended that FEMA had never officially requested support from the military. FEMA argues that without a formal paper trail, the DoD was able to selectively pick and chose which requests by FEMA to support, and those deemed inappropriate by the DoD were essentially considered as not requested by FEMA.¹⁸⁵

G. COMMUNICATIONS

During response operations, ineffective communications between FEMA and other federal agencies, including the military, prevented the proper use of many federal assets. The communications failure was attributed to staff lacking familiarity with communications equipment and the procedures of other federal responders.¹⁸⁶

Hurricane Katrina all but devastated communications in the Gulf coast area. Though the national response plan has provisions for lost communications within a disaster area, it did not fully state which agency should establish initial communications.

¹⁸³ Bowman. 5.

¹⁸⁴ Bowman. 5.

¹⁸⁵ “A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina.” 15 February 2006. 204.

¹⁸⁶ The Federal Response to Hurricane Katrina: Lessons Learned. February 2006. 45.

An assessment of communications reveals that while the military and DHS had communications equipment ready to deploy, they did not deploy it because there was never a request from local and state officials.¹⁸⁷ One can only imagine how officials on the ground within a disaster area, where phone lines and communications towers have been destroyed, can pass along requests for support from federal agencies. On one hand federal agencies wait for requests from local and state officials to ensure they are not overstepping their bounds, and on the other hand, local and state officials cannot request support because they do not have the equipment to do so.

Interoperability of communications equipment seems the latest phrase to describe disaster recovery and response equipment needs. The problem was known well before Hurricane Katrina, but exemplified further when National Guard and U.S. military units could not communicate with civilian agencies because their radios and equipment are incompatible.¹⁸⁸

An aspect of communications often overlooked is the ability to gather intelligence. The DoD can use satellites for images of particular locations of interest. After Katrina, there was little or no use of satellite imagery to pinpoint areas requiring the most relief. Along with this underused intelligence potential, information gained in damage assessment aerial flights was not properly and expeditiously disseminated. As a result, DoD relied on news reports of affected areas in the immediate days following the hurricane.¹⁸⁹ This reliance on news reports was cited as evidence that the military was more reactive than proactive in the response efforts.¹⁹⁰

H. ASSESSMENTS OF THE MILITARY

During the Katrina disaster recovery and response, all responders understood that unity of effort was important. However, the fact there were several different

187 Sharon Pickup. "Hurricane Katrina: Better Plans and Exercises Need to Guide the Military's Response to Catastrophic Natural Disasters." *United States Government Accountability Office*. GAO-06-808T. 25 May 2006. 8.

188 Melnyk. 30.

189 "A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina." 15 February 2006. 223.

190 "A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina." 15 February 2006. 223.

commanders in the field severely hampered this unity of effort. Indeed, the commander of the active duty forces often did not know what forces or equipment the Louisiana, Mississippi and Alabama National Guard commanders had available.¹⁹¹ The lack of unity hampered the efficiency of response efforts.

Secondary to unity of effort is intelligence gathering and the ability to obtain situational awareness of the disaster area. The inability of the military to expeditiously organize necessary assets and personnel into an effective response package to localized requirements resulted from lack of timely damage assessments, force integration issues involving the Guard and active duty military, communications problems, logistics responsibilities handed off by FEMA, and numerous search and rescue efforts that were not coordinated between the responding agencies, including the National Guard units.¹⁹²

The National Guard faced numerous internal challenges, especially lack of equipment like medical gear, radios, vehicles, heavy equipment and aircraft. Prior to Guard deployment overseas in the War on Terror, units were equipped to approximately 76 percent of requirements. Units just prior to Katrina were equipped to approximately 35 percent, a result of leaving equipment overseas to ensure that follow on units had proper equipment and to reduce the cost of moving the same equipment with each unit rotation.¹⁹³

On one hand, there is contention that the military was slow to respond, and when there was a response, often the wrong personnel, equipment, or supplies arrived on scene. An important factor for a successful response is proper, timely damage assessment; initial responses are based on information passed along by those on the ground within the disaster area. The National Response Plan says that local and state officials are responsible for damage assessment during a disaster.¹⁹⁴ On the other hand, the plan also points out potential for local and state officials to become overwhelmed. As was the case with Katrina, overwhelmed local and state officials were calling for any and all help they

191 The Federal Response to Hurricane Katrina: Lessons Learned. February 2006. 55.

192 Pickup. 9.

193 Melnyk. 30.

194 Pickup. 7.

could muster. Others note that the military's response was quick but until they were able to place their own individuals within the disaster area, response provisions had to be based upon local and state coordinator's input.

The Government Accountability Office (GAO) provided recommendations to the Secretary of Defense outlining numerous challenges and shortfalls the military encountered in the response to Katrina which resulted from the need for better plans that incorporate lessons learned from previous disaster recovery efforts and more challenging exercises.¹⁹⁵

Prior to and during Katrina's landfall, it was asserted the National Guard did not have a clear understanding of the DoD planning guidance developed at Northern Command, including operational plans for military support to civilian authorities. Adding to the confusion, the National Guard Bureau claimed there was a lack of clearly defined lines of command, control and communication which resulted in inefficiencies in effort. Two points to illustrate: On numerous occasions the 82nd Airborne Division was deployed to sectors already under patrol by the National Guard. And Marine amphibious units arrived in Mississippi without pre-coordinated transportation; as a result, Guard units were required to set aside current operations to transport the Marines to Louisiana.¹⁹⁶

On the other hand, it has been touted that the leadership of JTF-Katrina, LTG Honore and his staff, with advance planning and the equipment and manpower of the military, were especially responsible for the success of domestic security, logistical support, and search and rescue.¹⁹⁷

The military has an inherent understanding of the need for flexibility in operational plans. When flooded and debris-clogged roads became impassable, many

¹⁹⁵ Pickup. 8.

¹⁹⁶ "A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina." 15 February 2006. 219.

¹⁹⁷ The Federal Response to Hurricane Katrina: Lessons Learned. February 2006. 43.

designated locations for essential survival supplies were cut off from the supply end of the logistics hub and the individuals needing the aid. The military immediately offered airlift helicopters to assist in distributing the aid.¹⁹⁸

In the immediate aftermath of Hurricane Katrina, the media was filled with images of victims and often exaggerated instances of looting and general civil unrest; even the media was calling for a military response because the emphasis on lawlessness was compared to “urban warfare,” and the military is seen as equipped to manage such situations.¹⁹⁹ Analysts argue that the fact the government failed to adequately respond to the aftermath of Katrina almost requires the military to prepare for all types of disaster response activities. Because of the large amount of looting in the aftermath of the hurricane, analysis leads military proponents to conclude that the management and response of disasters should not be managed by civil authorities, but rather by those who can respond, and respond with force when required to suppress civil unrest.²⁰⁰ On the other hand, individuals may conclude civil authorities should be able to manage the same civil unrest situation.

I. SUMMARY

This chapter provides an introduction and overview of the events resulting from Hurricane Katrina. The following is a summary of items presented in this chapter. Difficulty arose immediately following the disaster because leaders at all levels did not understand specific responsibilities. Additionally, this lack of understanding contributed to a delayed response because of incorrect assumptions and poor requests for assistance. Similar to the Los Angeles Riots, inadequate training and exercises at multiple levels contributed to a lack of unified command, duplication of effort, or no response at all. Disasters of this magnitude perpetuate political and bureaucratic difficulties. Finger pointing, strained communications with many checks and balances, and inadequate communication of requirements played significant roles in delaying the response. Poor

198 “A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina.” 15 February 2006. 220.

199 Christing Bevc, Erica Kuligowski, and Kathleen Tierney. “Metaphors Matter: Disaster Myths, Media Frames, and Their Consequences in Hurricane Katrina.” *The ANNALS of the American Academy of Political and Social Science*. 2006. 57.

200 Bevc. 76.

pre-planning and lack of pre-positioned assets coupled with the inability to request assistance added to the delayed response efforts. Finally, a lack of contiguous communications played a significant role in contributing to duplication or omission of effort.

V. CONCLUSION AND RECOMMENDATIONS

Previous chapters highlighted problems associated with the responses to three disasters, each of which required a distinct response and recovery approach. Despite many differences among the cases, there are also trends and similarities that can provide recommendations for future improvement to assist in the reduction of political and bureaucratic impediments to responders. Focusing on civilian-military relations and the interaction between local, state, and federal responders, the following summaries and recommendations are provided to assist in the improvement of disaster response.

A. POLITICS AND LEADERSHIP

Politics play a large role in disaster response and recovery. As previously noted, FEMA and the DoD are supposed to initially respond in a purely supportive role. Their role is submissive to the hierarchy of state or local elected officials; these same officials directing disaster recovery efforts often desire re-election. During disaster response it is imperative that turf wars do not exist. Elected officials should break political barriers, eliminate finger pointing, stop thinking about elections, and join together to ensure that local communities receive the support necessary to reduce suffering and loss of life and property.

Disasters of large magnitude usually require response efforts from multiple jurisdictions. During these large disasters assign one individual point of contact to lead the recovery and establish unity of effort. One single point of contact should assume the leadership role with other jurisdictions accepting a subordinate role to assure unity of effort. Separate responses without unity of effort and command can severely degrade the recovery efforts of federal responders and result in duplication of effort.

Opponents of state or local requests for help assert that the federal government should respond upon declaration of a disaster and under direction of the President or his delegated representative. An immediate declaration by the President would sidestep delays in calling for federal help that occur when state and local officials wait to see if their own responders can handle the situation. The question is what should trigger an automatic federal response? Can the federal government establish criteria for every

disaster and determine in advance when the declaration should be made to send in military troops? Furthermore, states receive federal funding to offset costs of preparedness. If it is assumed that the federal government will respond, why continue to fund the states? That money could be channeled to FEMA or the military to pre-position adequate response and recovery supplies throughout the United States.

When local or state officials are overwhelmed, they should produce a properly tailored request for assistance. “Send us all you’ve got” does not give federal responders the information required to mobilize assets. First responders on the ground provide essential information to logisticians and responders preparing to ship critical assets. The request for help must declare immediate and short term requirements to hasten efforts outside the recovery zone and reduce confusion caused by the disaster and the flood of information and misinformation.

The President has the authority to take control if a situation appears out of the control of state or local officials. However, there are numerous reasons to allow state and local responders to remain as the lead officials. They understand local problems and are assumed to be better equipped to respond. If they become overwhelmed, a request for help makes them more likely to cooperate with federal responders. Problems are likely to arise if the President acts prior to or without a request.²⁰¹

Requests for help from state or local officials must be immediate, without underlying political agendas, and not assume that the federal government will bail out unprepared communities. An immediate request quickly establishes rules of engagement and declares who is in charge to ensure all responders work together, prevent duplication of effort and eliminate the problem of conflicting orders by different on-scene incident commanders.

B. LOGISTICS

A review of the cases shows the benefit of pre-positioning critical response assets. Though many disasters are difficult to predict, others have been foreseen. Pre-positioning response items can significantly reduce response times, loss of life and loss of

²⁰¹ “Riot Control and the Use of Federal Troops.” *Harvard Law Review*, Vol. 81, No. 3 January 1968. 4.

property. Present policies should be reviewed and revised to provide incentives and possibly even funding to states for pre-positioning assets. Pre-positioning should take place both within and around the potential disaster area so responders can more quickly transport essential items into the impact zone.²⁰²

A careful balance must be maintained between positioning assets within the predicted disaster area versus around the potential disaster area. As noted in the Katrina case study, many items positioned within the affected states were destroyed and it was difficult to transport those around the disaster area because of road damage and debris. The Katrina case shows that FEMA was not prepared to manage the logistics of receiving, inventorying, and distributing materials for Gulf coast disaster recovery. Key logistical nodes should be identified early, before a predicted disaster, or as a standard policy in areas where disasters are a constant threat, as with the Northridge earthquake. These nodes should receive, inventory, and distribute essential items from outside the stricken area. The early and publicly declared establishment of logistical zones reduces stress and eliminates the requirement that supply logistics be managed from within the stricken zone. Additionally, using logistical hubs as a staging area supports the ideal of convergence. With logistical hubs, first responders can focus on requirements at hand rather than the immense problem of logistics. Hub managers can provide responders with an active inventory of items and distribute them as needed.

To support logistical hubs and inventory management, the National Response Plan and other disaster response recovery plans should establish a working national inventory of critical assets, including items held by the U.S. military, National Guard, FEMA, and pre-positioned state and local items. The items do not have to be placed on reserve or standby. An active inventory of response assets would have identified the shortfalls, allowing identification of critical items that had been deployed. Because it bears on military readiness, the status of critical assets in the military is often classified. The national inventory proposed here does not have to include all military items, but only those which might be called upon for disaster recovery. A national inventory

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incorporating items from the local level provides disaster response planners with a predetermined list of potential needs early on, and can even facilitate pre-deployment or pre-positioning of essential items.

C. TRAINING AND EDUCATION

A review of the cases shows that officials at all levels need supplemental training and education. They should receive proper training and education on emergency essential items that should be pre-positioned within their communities and on the intricacies of the National Response Plan. They need a thorough understanding of the NRP assumption that state and local responders will be self sufficient immediately following a disaster and should plan accordingly. Another area for education and training improvements is civilian and military officials' understanding of the Posse Comitatus Act. In several cases, misinterpretation of the Act caused delayed or duplicate efforts or led to no response at all. Military and civilian commanders must understand that the Act prohibits the U.S. military from enforcing domestic laws unless a Presidential declaration has been made. Until a declaration is announced, the military may respond in a supportive manner to preserve life or property. When federal military may be called upon for support or integration, inaccurate assessments and interpretations of the Posse Comitatus Act can impede timely and effective disaster response and recovery efforts.

Supplemental consideration should be given to training requirements and integration of the military and National Guard with state and local officials. Each branch of the military has a language of its own, and civilian organizations have their own idiosyncratic terminology. None of the parties involved should assume that common terminology will be understood clearly by others.

Integrated, realistic exercises integrating state and local officials with federal responders can reveal shortfalls in response efforts. Multi-jurisdictional exercises that cross city, county and state boundaries require integration of many different agencies, including the National Guard and federal military. Full-scale exercises are very costly and even smaller exercises with just leadership echelons can prove expensive, as they require considerable planning. It is also imperative to understand that exercises disrupt

daily operations. Responders at all levels must maintain a certain state of readiness within their own areas of responsibility, which costs money and time. Time and money taken from readiness preparation for exercise planning or participation requires additional investments that are often not provided due to budgetary or time constraints.

Many exercises are designed at the local level, do not integrate multiple jurisdictions, and do not integrate FEMA and other federal agencies. These exercises are typically designed around one crisis, and do not take into account possible cascading effects of a large scale disaster. The Katrina case reveals that exercises conducted by the Louisiana National Guard accounted for disaster relief in the local surrounding area but did not account for the requirement to relocate the command and control headquarters when the levees failed. Local, state, and federal officials must integrate exercises and response factors using the National Response Plan as a guide. While realistic exercises are costly, inadequate response in a disaster can prove even costlier. Under the premise of the National Response Plan, local, state and federal officials should conduct at least one table top and one physical exercise, annually integrating responders at all levels. Funds for these exercises should be provided by the federal government, monitored for proper allocation, actual readiness and accountability. To ensure accountability, exercise planners can provide an estimate of exercise expenditures, conduct the exercise, then, to receive reimbursement, be required to provide an after actions report that includes lessons learned, areas for improvement, and actions undertaken for improvement. Responders would be able to practice, and the federal government would get annual updates on readiness status.

D. COMMUNICATIONS

Communications is among the most important aspects of command and control in disaster response and recovery. Responders at all levels should integrate in exercises to help identify shortfalls, including incompatible communications equipment. It is unrealistic to rely on communications equipment in place prior to a disaster; this point was proven during the Katrina disaster. Homeland Security Presidential Directive 5

establishes the National Incident Management System within the National Response Plan directing local, state, and federal responders to cooperate to integrate communications equipment. Improvements have been made; however, more are needed.

E. MISSION DECLARATION

The U.S. military and National Guard have many different missions. Several are very similar if not identical. The U.S. military is responsible for the overall defense of the nation and the preservation of peace and security. The National Guard has the same mission but is also heavily involved in helping communities during disasters and civil unrest. When not federalized, Guardsmen are permitted and are often called upon to enforce domestic laws. There is a paradox in the roles of the U.S. military and the National Guard: Typically the U.S. military deploys overseas to preserve the peace and secure U.S. interests abroad while the National Guard assumes a domestic role and remains on call to support state governors. However, the National Guard has been deploying at a high rate overseas.

This thesis reviewed disaster recovery situations with particular focus on political or bureaucratic impediments in civilian-military relations. Three examples of large-scale disasters were reviewed to illustrate problems encountered by responders and present recommendations to reduce impediments. Possible areas for additional research might include an analysis of the U.S. military stationed within the U.S. increasing its supportive role in disaster response and recovery. A shift in traditional roles of the military may require the missions of the federal military and National Guard be revised. If these missions are revised, should supplemental funding be provided to ensure mission readiness and fulfillment?

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